

JOHN J. HOFFMAN
 Acting Attorney General of New Jersey
 Attorney for Plaintiff
 Richard J. Hughes Justice Complex
 25 Market Street
 P.O. Box 117
 Trenton, New Jersey 08625-0117

By: Gordon A. Queenan
 Deputy Attorney General
 NJ Attorney ID No. 085002013
 (609) 292-7669
 gordon.queenan@dol.lps.state.nj.us

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION - MERCER COUNTY
 DOCKET NO. MER-L-2726-12

KENNETH E. KOBYSLOWSKI,
 COMMISSIONER OF THE NEW
 JERSEY DEPARTMENT OF
 BANKING AND INSURANCE,

Plaintiff,

v.

DUCE MERY and SYLVIE
 PRESUMA,

Defendants.

Civil Action

STIPULATION OF SETTLEMENT AS TO
 DEFENDANT SYLVIE PRESUMA ONLY

BFD NO. 11-21703-35

The claim in this action having been settled and resolved by the parties, Plaintiff, Kenneth E. Kobylowski, Commissioner of the State of New Jersey Department of Banking and Insurance, and Defendant, Sylvie Presuma:

IT IS HEREBY STIPULATED AND AGREED that Defendant misrepresented her relationship with Duce Mery and her living situation to High Point Automobile Insurance in connection with

an insurance claim, thereby presenting oral statements as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy knowing that the statements contained false or misleading information concerning any fact or thing material to the claim; and

IT IS FURTHER STIPULATED AND AGREED that Defendant misrepresented her relationship with Duce Mery and her living situation to High Point Automobile Insurance, thereby concealing or knowingly failing to disclose evidence, written or oral, which may have been relevant to a finding that a violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act") had occurred; and

IT IS FURTHER STIPULATED AND AGREED that Defendant knowingly assisted, conspired with, or urged her husband, Duce Mery, to violate the Fraud Act; and

IT IS FURTHER STIPULATED AND AGREED that Defendant admits that the above conduct constitutes two separate violations of the Fraud Act, and that any future violation of the Fraud Act shall be considered a third offense; and

IT IS FURTHER STIPULATED AND AGREED that Defendant shall pay a sum of \$10,000 ("Settlement Amount") to the New Jersey Department of Banking and Insurance, which consists of a

civil penalty in the amount of \$5,000 in accordance with N.J.S.A. 17:33A-5b, a \$250 surcharge in accordance with N.J.S.A. 17:33A-5.1, and \$4,750 in attorneys' fees and costs in accordance with N.J.S.A. 17:33A-5b, to be paid upon execution of this Stipulation of Settlement:

IT IS FURTHER STIPULATED AND AGREED that Defendant shall remit payment to the Commissioner of the New Jersey Department of Banking and Insurance payment in the amount of \$10,000 as follows:

- \$500 as an initial down payment due upon April 1, 2015. Payment shall be made by certified check, bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance." This Stipulation of Settlement and initial down payment shall be returned to:
Gordon A. Queenan, DAG
Banking and Insurance Section
25 Market Street, P.O. Box 117
Trenton, NJ 08625
- \$250 per month, for thirty-eight months, beginning May 1, 2015 and continuing thereafter on the first day of each consecutive month until the final payment date of June 1, 2018. Payment shall be made by certified check, bank check, or money order made payable to the "Commissioner, New

Jersey Department of Banking and Insurance" and remitted to:

Commissioner
New Jersey Department of Banking and Insurance
Attn: Rose McGill, Fraud Collections
20 West State Street
P.O. Box 325
Trenton, NJ 08625

- In conjunction with the execution of this Stipulation of Settlement, the parties shall also enter into a Consent Judgment for the entire Settlement Amount.

IT IS FURTHER STIPULATED AND AGREED that if Presuma fails to make any scheduled payment within ten days of its due date, the Department can, upon notice to Presuma, declare the entire outstanding balance to be immediately due and payable. Thereafter, the Department may take any action available under the laws 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;

IT IS FURTHER STIPULATED AND AGREED that this Stipulation of Settlement may be used against Defendant in any civil or administrative proceeding related to a violation of the Fraud Act, including a professional license suspension or revocation proceeding; and

IT IS FURTHER STIPULATED AND AGREED that pursuant to N.J.S.A. 17:33A-10c, a copy of this Stipulation of Settlement shall be provided to any appropriate professional licensing authority; and

IT IS FURTHER 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.

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

Dated: 3/31/15

By: *Gordon A. Queenan*
Gordon A. Queenan
Deputy Attorney General

DESTTRIBATS CAMPBELL, LLC
Attorney for Defendant

By: *Raymond C. Staub*
Raymond Staub, Esq.

Dated: 3/26/15

By: *Sylvie Presuma*
Sylvie Presuma
Defendant

Dated: 3/21/15