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SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART  
UNION COUNTY  
DOCKET NO. UNN-DC-970-15

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

Civil Action

Plaintiff,

v.

PEDRO MURIEL,

Defendant. )

STIPULATION OF SETTLEMENT

BFD NO. 11-23298-03

WHEREAS Richard J. Badolato, the Acting Commissioner of the  
New Jersey Department of Banking and Insurance ("Commissioner")<sup>1</sup>

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<sup>1</sup> Since the litigation commenced, Commissioner of Banking and Insurance Kenneth E. Kobylowski has resigned from his position. Because that position is currently held by Acting Commissioner of Banking and Insurance Richard J. Badolato, he is deemed to have been substituted in. See R. 4:34-4.

and Defendant, Pedro Muriel, 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 Pedro Muriel falsely represented to his insurance carrier, as part of an application for automobile insurance coverage, that his insured vehicle was not used for business purposes, 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, this conduct constitutes a violation 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 Pedro Muriel shall pay a total sum of \$2,500.00 ("Settlement Amount") to the Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of civil penalties in the amount of \$2,000.00 pursuant to N.J.S.A. 17:33A-5b, attorneys' fees in the amount of \$400.00 pursuant to N.J.S.A. 17:33A-5b, and a statutory insurance fraud surcharge of \$100.00 pursuant to N.J.S.A. 17:33A-5.1, to be satisfied upon the following terms and conditions:

1. Upon execution of this Stipulation of Settlement, Defendant Pedro Muriel shall immediately remit to the attorney for the Commissioner a payment in the amount of five hundred dollars (\$500.00) by certified check, official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" to the following address:

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

2. Defendant Pedro Muriel shall remit the remaining balance of \$2,000.00 in monthly installment payments due on the first of each month, beginning on December 1, 2015, until the full settlement amount has been paid. Installment payments are to be made as follows: \$100.00 per month for twenty (20) months beginning December 1, 2015.

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 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 Pedro Muriel fails to make any scheduled payment within ten (10) days of its due date, the Commissioner can, upon notice to Defendant Pedro Muriel, 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:

Pedro Muriel  
Pedro Muriel  
Defendant

Dated: 10-23-15

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

Dated: 10/27/15

By: Kevin J. McGowan  
Kevin J. McGowan  
Deputy Attorney General