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R.J. Hughes Justice Complex
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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART-CAMDEN COUNTY
DOCKET NO. CAM-DC-3769-15

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

Plaintiff,
v.

PATRICK C. WURST,

Defendant.

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Civil Action

STIPULATION OF SETTLEMENT
AS TO DEFNDANT
PATRICK C. WURST

WHEREAS Richard J. Badolato, Acting Commissioner of the New Jersey Department of Banking and Insurance, and Defendant, Patrick C. Wurst, 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 Wurst admits that his automobile insurance policy with Progressive Insurance Company ("Progressive") was cancelled for non-payment on May 23, 2012;

IT IS HEREBY STIPULATED AND AGREED that, Defendant Wurst called Progressive on May 26, 2012 to reinstate his automobile insurance policy and when specifically asked, he denied that he had been in an automobile accident on May 24, 2012, for the purpose of obtaining an insurance policy, knowing that the statement contained false and misleading information concerning a fact material to the insurance policy, in violation of N.J.S.A. 17:33A-4a(4)(b);

IT IS FURTHER HEREBY STIPULATED AND AGREED that this conduct constitutes one violation of N.J.S.A. 17:33A-4, and that any future violation of the New Jersey Insurance Fraud Prevention Act shall be considered a subsequent violation; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that Defendant Wurst shall pay a total sum of \$5,000.00 to the Commissioner of the New Jersey Department of Banking and Insurance. The amount consists of civil penalties in the amount of \$3,000.00, pursuant to N.J.S.A. 17:33A-5b; attorneys' fees and costs in the amount of \$1,850.00, pursuant to N.J.S.A. 17:33A-5b; and a surcharge of \$150.00, 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, by February 15, 2016, Defendant Wurst shall remit to the attorney for the Commissioner a payment in the amount of \$500.00, by certified check, official bank check or money

order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Kevin J. McGowan, Deputy Attorney General
Banking, Insurance and Insurance Fraud Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, N.J. 08625-0117

2. Beginning March 1, 2016, and continuing thereafter on the first day of each consecutive month until the final payment, Defendant shall pay the amount of \$250.00, by certified check, official bank check or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Commissioner, N.J. Department of Banking and Insurance
Attn: Rose McGill, Fraud Collection
20 West State Street
P.O. Box 324
Trenton, N.J. 08625

3. In conjunction with the execution of this Stipulation of Settlement, the parties shall also enter into a Consent Judgment for the entire amount owed.
4. If the Defendant fails to make any scheduled payment within ten (10) days of its due date, Plaintiff may, upon notice to Defendant, declare the entire balance outstanding to be immediately due and payable. Thereafter, Plaintiff 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 other remedies available under the law.

5. The Plaintiff agrees not to seek a suspension of Defendant Wurst's driving privileges in connection with this matter, pursuant to N.J.S.A. 39:6A-15, provided that Defendant Wurst satisfies the terms and conditions outlined in this stipulation of settlement.

IT IS FURTHER HEREBY 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 licensing authority; and

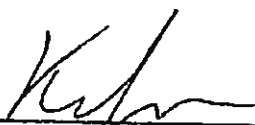
IT IS FURTHER HEREBY STIPULATED AND AGREED, that this Stipulation of Settlement can be used in any subsequent civil or criminal proceeding; and


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:


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

Dated: 3/2/16

By: 
Kevin J. McGowan
Deputy Attorney General


Marc R. Jones, Esq.
Attorney for Defendant

Dated: 2/19/2016


Patrick C. Wurst
Defendant

Dated: 2-15-2016