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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - MONMOUTH COUNTY
DOCKET NO. MON-DC-4922-15

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

Plaintiff,

v.

OMANE MCKENZIE,

Defendant.

Civil Action

STIPULATION OF SETTLEMENT

WHEREAS Richard J. Badolato, Acting Commissioner of the
New Jersey Department of Banking and Insurance ("Commissioner"),
and Defendant Omame McKenzie ("Defendant"), have reached an
amicable agreement resolving the issues in controversy, and

consented to the entry of the within Stipulation of Settlement;
and

1. IT IS HEREBY STIPULATED AND AGREED, that Defendant admits that she violated the civil provisions of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"), by knowingly providing false material information and by knowingly concealing material information on an application for auto insurance with CURE Auto Insurance dated September 9, 2011 and renewal questionnaire dated June 25, 2012, specifically by failing to disclose Rafiah Kelly as a licensed member of the household and/or regular operator of the insured vehicles; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant's aforementioned conduct constitutes one (1) violation of the Fraud Act, and that any future violation of the Fraud Act shall be considered a subsequent violation; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that Defendant shall pay a total sum of \$2,375.00 to the Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$1,500.00 in civil penalties for one (1) violation of the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq., attorneys' fees of \$800.00 pursuant to N.J.S.A. 17:33A-5b, and \$75.00 constituting the statutory surcharge

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, and by March 1, 2016, Defendant shall remit to the attorney for the Commissioner a full payment in the amount of \$2,375.00 by certified check, official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

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

2. 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

3. If Defendant fails to make any scheduled payment within ten (10) days of its due date, the Commissioner can, upon notice to Defendant, 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 expended

to date and to collect this debt, and any other remedies available under the law; and

4. 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 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:




Omani McKenzie
Defendant

Dated: 3/28/2016

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

Dated: 4/17/16

By: 
Garen Gazaryan
Deputy Attorney General