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SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART - PASSAIC COUNTY  
DOCKET NO. PAS-DC-1222-17

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

Civil Action

STIPULATION OF SETTLEMENT

Plaintiff, )

v. )

LUIS HERNANDEZ, )

Defendant. )

WHEREAS Richard J. Badolato, the Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner") and Defendant, Luis Hernandez, 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, on January 29, 2015, Defendant Luis Hernandez failed to disclose D.H. as a driver and resident relative on his automobile insurance application submitted to Progressive, 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 Luis Hernandez shall pay a total sum of \$1,575.00 ("Settlement Amount") to the Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of civil penalties in the amount of \$1,500.00 pursuant to N.J.S.A. 17:33A-5b, and a statutory insurance fraud surcharge of \$75.00 pursuant to N.J.S.A. 17:33A-5.1, to be satisfied upon the following terms and conditions:

1. Immediately upon execution of this Stipulation of Settlement, Defendant Luis Hernandez shall remit to the attorney for the Commissioner a payment in the amount of \$1,575.00 by certified check, official bank check, or money order made payable

to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to

Anita Bittner, 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. 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. 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:

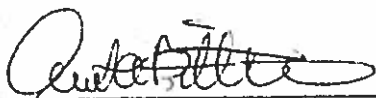


Luis Hernandez  
Defendant

Dated: 06-08-17

CHRISTOPHER S. PORRINO  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiff

Dated: 6/14/17

By:   
Anita Bittner  
Deputy Attorney General