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Attorney for Plaintiffs
New Jersey Division of Consumer
Affairs and the New Jersey State
Board of Medical Examiners

FILED

DEC 09 2002

THOMAS P. OLIVIERI, P.J.Ch.

By: Susan C. Berger
Deputy Attorney General
(973) 648-2436

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: HUDSON COUNTY
DOCKET NO. C 118-02

DAVID SAMSON, ATTORNEY GENERAL
OF NEW JERSEY, RENI ERDOS,
DIRECTOR OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS,
and THE NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS,

Plaintiffs,

v.

YOLANDA PENALVER a/k/a
YOLANDA PEREZ,

Defendant.

Civil Action
CONSENT
ORDER

This matter having been opened to the court on an application brought on behalf of the Attorney General of the State of New Jersey, the Director of the New Jersey State Division of Consumer Affairs and the New Jersey State Board of

CERTIFIED TRUE COPY

Medical Examiners, by David Samson, Attorney General of New Jersey, counsel for plaintiffs, Susan C. Berger, Deputy Attorney General appearing, pursuant to N.J.S.A. 45:1-18, 45:1-23, 56:8-3 and R. 4:52-1 and Yolanda Penalver having appeared ~~with~~ ^{by} counsel Leonard Altamura, Esq. on December 3, 2002; and the Court having reviewed the Verified Complaint and supporting documents, and the admission of Yolanda Penalver ^{through her counsel} that she was the owner and director of a health care service provider located at 2406 Bergenline Avenue, Union City, New Jersey from 1999 until 2001 ~~2002~~ employing doctors, that she is not licensed to practice medicine and surgery in the State of New Jersey, that neither she nor the office she maintained at 2406 Bergenline Avenue, Union City, New Jersey, was licensed by the Department of Health and Senior Services to provide ambulatory care services; the court having reviewed information that the office is presently operated by doctors licensed to practice medicine and surgery in the State of New Jersey; and the Court finding good cause exists for the entry of the within order;

IT IS on this 9th day of December, 2002 ORDERED:

1. Defendant, Yolanda Penalver is permanently enjoined from engaging in or holding herself out as engaging in the practice of medicine and surgery or employing and supervising doctors in a health care facility unless and until duly authorized by the Board of Medical Examiners and/or the Department of Health and

Senior Services.

2. Defendant, Yolanda Penalver is permanently enjoined from engaging in any unconscionable commercial practice, fraud, deception, false promise, false pretense or misrepresentation including but not limited to falsely representing herself as a doctor or owner of an ambulatory health care service or as being permitted to perform any services requiring licensure by the Board of Medical Examiners until licensed by the Board of Medical Examiners or by the Department of Health and Senior Services.

3. Defendant, Yolanda Penalver is permanently enjoined from utilizing or transferring the following telephone number within or from the State of New Jersey and must provide the Attorney General within ²⁰ ~~ten~~ days of this order, documentation indicating that the telephone service to the following telephone number has been disconnected and discontinued within and from the State of

New Jersey - (201) 553-9211. *If defendant demonstrate due diligence in complying with para. 3 and needs additional time for compliance, defendant will be granted a reasonable additional*

4. Defendant, Yolanda Penalver is assessed civil penalties, costs and attorney fees in the amount of ~~\$10,000.00~~ ^{\$2,500.00} Defendant *Yolanda Penalver*

Yolanda Penalver shall mail or deliver a certified check or money

order in the amount of \$2,500.00 payable to the State of New

Jersey *on or before Jan 3, 2003* within ~~ten days of the filing of this Order~~.

The payment shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street,

P.O. Box 45029, Newark, New Jersey 07101. ~~If the payment is made~~

~~timely and the defendant complies with paragraphs 1 through 4 of the Order, the remaining payment of \$7,500.00 shall be waived.~~

5. In the event defendant fails to comply with any of the provisions of this order, a hearing is scheduled for January 7 2003 at 10:00 A M. before the Honorable Thomas P. Olivieri, P.J. Ch. at the Chancery Division, Superior Court, 583 Newark, Avenue, Jersey City, New Jersey to reconsider the assessment of civil penalties, investigative costs and attorney fees. Any briefs or submission by defendant Yolanda Penalver shall be filed with the court and served on plaintiffs' counsel and filed with the court fourteen (14) days before the hearing. Any reply brief or submission by the Attorney General shall be filed with the court and served upon defendant's counsel five (5) days before the hearing.

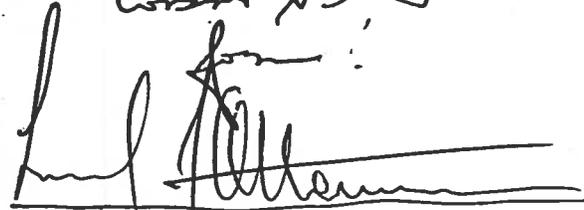


Thomas P. Olivieri, P.J.Ch.

I have read and understand the terms and conditions of the writ. Order and I agree to be bound by them. I hereby agree to the form and entry of the Order

Yolanda Penalver
YOLANDA PENALVER

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Consent & entry are from:

LEONARD ALTAMURA, Esq.
ATTORNEY FOR YOLANDA PENALVER


DAVID SAMSON
ATTORNEY GENERAL OF NEW JERSEY

BY SUSAN C. BERGER
ATTORNEY GENERAL