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FILED

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David J. Weaver, J.S.C.
JUDGES CHAMBERS
SUSSEX COUNTY COURTHOUSE

SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - SUSSEX COUNTY
DOCKET NO. SSX-DC-001491-22

MARLENE CARIDE, ) COMMISSIONER OF THE NEW Civil Action ) JERSEY DEPARTMENT OF AMENDED ORDER FOR FINAL JUDGMENT BANKING AND INSURANCE, BY DEFAULT ) Plaintiff, SPECIAL CIVIL PART: STATUTORY PENALTIES v. JAMES RANDONE and BOTTOM AMOUNT IN CONTROVERSY: \$8,614.00 TO TOP CONSTRUCTION INC., ) Defendants. )

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by Nicholas Kant, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance on a motion for judgment by default; and

Defendants, James Randone ("Randone") and Bottom to Top

Construction Inc. ("Bottom to Top") (collectively, "Defendants"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and default having been entered for Defendants' failure to appear, answer, or otherwise defend;

This Court now finds that Defendants violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act") by presenting to another person a certificate of insurance that contained false and/or misleading information concerning the policy of issuance to which the certificate makes reference, in violation of the Fraud Act.

Specifically, Defendants issued a fake Certificate of Liability Insurance to a customer, falsely representing that Bottom to Top had a valid and current liability insurance policy, when in fact Bottom to Top's policy had been cancelled due to nonpayment of premium, in violation of N.J.S.A. 17:33A-4(a)(6); and

In favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance default judgment in the total amount of \$8,614.00 be entered against Defendants. This amount consists of: (i) \$5,000.00 in civil penalties against Defendants, jointly and severally, for one (1) violation of the Fraud Act pursuant to 17:33A-5(c); (ii) attorneys' fees of \$1,614.00, jointly and severally, pursuant to N.J.S.A. 17:33A-5(c); (iii) a statutory fraud surcharge of \$1,000.00

against Randone, individually, pursuant to N.J.S.A. 17:33A-5.1; and (iv) a statutory fraud surcharge of \$1,000.00 against Bottom to Top, individually, pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties within  $\underline{\hspace{1cm}}$  days of the date of receipt.

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This motion was:			DAVID J. V	VEAVER, J.S.C.
Opposed	7	Unopposed		