

FILED

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**SUPERIOR COURT
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FILED
JAN 10 2020
CHAMBERS OF
FRANCIS R. HODGSON, JR. P.J. Ch
SUPERIOR COURT OCEAN COUNTY

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, OCEAN COUNTY
DOCKET NO. OCN-C-69-17

GURBIR S. GREWAL, Attorney General of the
State of New Jersey, and PAUL R.
RODRÍGUEZ, Acting Director of the New
Jersey Division of Consumer Affairs,

Plaintiffs,

v.

COASTAL RESTORATIONS & CONSTRUCTION OF
NEW JERSEY LLC; ADAM TODD NEVIUS a/k/a
ADAM VAN NEVIUS, individually and as
owner, officer, director, founder,
member, manager, employee, servant,
representative and/or agent of COASTAL
RESTORATIONS & CONSTRUCTION OF NEW
JERSEY LLC; COLE VANDERBECK NEVIUS, JR.,
individually and as owner, officer,
director, founder, member, manager,
employee, servant, representative and/or
agent of COASTAL RESTORATIONS &
CONSTRUCTION OF NEW JERSEY LLC; KIMBERLY
D. ATKINSON, individually and as owner,
officer, director, founder, member,
manager, employee, servant,
representative and/or agent of COASTAL
RESTORATIONS & CONSTRUCTION OF NEW
JERSEY LLC; JANE AND JOHN DOES 1-20,
individually and as owners, officers,
directors, shareholders, founders,
members, managers, employees, servants,
agents, representatives and/or
independent contractors of COASTAL

Civil Action

J033842-20

FINAL ORDER
ON DEFAULT AS TO
DEFENDANTS COASTAL
RESTORATIONS &
CONSTRUCTION OF NEW
JERSEY LLC, ADAM TODD
NEVIUS, COLE
VANDERBECK NEVIUS,
JR., AND KIMBERLY D.
ATKINSON

RESTORATIONS & CONSTRUCTION OF NEW
JERSEY LLC; and XYZ CORPORATIONS 1-20,
Defendants.

THIS MATTER was opened to the Court on the application of plaintiffs Gurbir S. Grewal, Attorney General of the State of New Jersey, and Paul R. Rodríguez, Acting Director of the New Jersey Division of Consumer Affairs (collectively, "Plaintiffs"), (by Jesse J. Sierant, Deputy Attorney General, appearing), by way of a Complaint filed on March 31, 2017, alleging that Coastal Restorations & Construction of New Jersey LLC ("Coastal Restorations"), Adam Todd Nevius ("Adam Nevius"), Cole Vanderbeck Nevius, Jr. ("Cole Nevius"), and Kimberly D. Atkinson ("Atkinson") (collectively, "Defendants") have, directly or through others, engaged in conduct in violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 to -210 ("CFA"), the Contractors' Registration Act, N.J.S.A. 56:8-136 to -152 ("Contractors' Registration Act"), the Regulations Governing Contractor Registration, N.J.A.C. 13:45A-17.1 to -17.4 ("Contractor Registration Regulations"), the Regulations Governing Home Improvement Practices, N.J.A.C. 13:45A-16.1 to 16.2 ("Home Improvement Regulations"), and the Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 to - 9.8 ("Advertising Regulations").

On October 11, 2019, the Court entered an Order Suppressing Defendants' Answer with Prejudice and Entering Default Against Defendants. Defendants have not moved to vacate the default entered against them.

THIS COURT NOW FINDS THAT:

A. The Court has jurisdiction over the subject matter of this action and over the named Defendants.

Based upon the evidence submitted by Plaintiffs, including the Certification of Investigator Joseph Iasso with accompanying exhibits, and the Certification of Deputy Attorney General Jesse J. Sierant with accompanying exhibits, Defendants have engaged in conduct which comprises two hundred seventy nine (279) violations of the CFA, the Contractors' Registration Act, the Contractor Registration Regulations, the Home Improvement Regulations and the Advertising Regulations with the following breakdown: (a) Unconscionable Commercial Practices (N.J.S.A. 56:8-2) - seventy five (75) violations total; (b) False Promises and/or Misrepresentations (N.J.S.A. 56:8-2) - thirty six (36) violations total; (c) Contractors' Registration Act - fifty (50) violations total; (d) Contractor Registration Regulations, - forty one (41) violations total; (e) Home Improvement Regulations - seventy three (73) violations total; and (f) Advertising Regulations - four (4) violations total.

THEREFORE, IT IS on this _____ day of January, 2020:

1. ORDERED that the acts and practices of Defendants constitute multiple instances of unlawful practices in violation of the CFA, the Contractors' Registration Act, the Contractor Registration Regulations, the Home Improvement Regulations, and the Advertising Regulations.

2. IT IS FURTHER ORDERED that the Defendants and their owners, officers, directors, shareholders, founders, members, managers, agents, servants, employees, representatives, independent contractors and all other persons or entities directly under their control, are permanently enjoined from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, the Contractors' Registration Act, the Contractor Registration Regulations, the Home Improvement Regulations, and the Advertising Regulations.

3. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-8, the Defendants are permanently enjoined from owning, operating or otherwise managing any business or other entity in the State, whether registered with the Division of Consumer Affairs or not, that advertises, offers for sale, sells and/or performs home improvements and/or home elevations ("Construction Services") within the State of New Jersey.

4. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A.

56:8-8, Defendants are permanently enjoined from the advertisement, offer for sale, sale and performance of Construction Services within the State of New Jersey.

5. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-8, the Certificate of Formation in the State of New Jersey for Coastal Restorations is permanently canceled.

6. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-8, the Home Improvement Contractor registration issued to Defendants is permanently revoked.

7. IT IS FURTHER ORDERED that Adam Nevius is personally liable for the violations of the CFA, the Contractors' Registration Act, the Contractor Registration Regulations, the Home Improvement Regulations, and the Advertising Regulations committed by Coastal Restorations.

8. IT IS FURTHER ORDERED that Cole Nevius is personally liable for the violations of the CFA, the Contractors' Registration Act, the Contractor Registration Regulations, the Home Improvement Regulations, and the Advertising Regulations committed by Coastal Restorations.

9. IT IS FURTHER ORDERED that Atkinson is personally liable for the violations of the CFA, the Contractors' Registration Act, the Contractor Registration Regulations, the Home Improvement Regulations, and the Advertising Regulations committed by Coastal Restorations.

10. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-8, Defendants, jointly and severally, shall pay to Plaintiffs consumer restitution in the total amount of \$275,019.00. The funds paid by Defendants pursuant to this section of the Final Judgment by Default and Order ("Judgment and Order") shall be used for equitable relief including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. If Plaintiffs determine, in their sole discretion, that redress to consumers is wholly or partially impracticable, any funds not so used shall be retained by the Division of Consumer Affairs in lieu of redress. Defendants shall have no right to contest the manner of distribution chosen by Plaintiffs. Plaintiffs in their sole discretion may use a designated agent to administer consumer redress.

11. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-8, Defendants, jointly and severally, shall disgorge to the New Jersey Department of Community Affairs, Reconstruction, Rehabilitation, Elevation and Mitigation Program funds unlawfully acquired or retained, in the total amount of \$432,207.36.

12. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-13, Defendants, jointly and severally, shall pay to the Division civil penalties in the total amount of \$2,790,000.00.

13. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-19, Defendants, jointly and severally, shall reimburse

Plaintiffs for all attorneys' fees incurred in the prosecution of this action, in the total amount of \$86,374.50.00.

14. IT IS FURTHER ORDERED that, pursuant to the CFA, N.J.S.A. 56:8-11, Defendants, jointly and severally, shall reimburse Plaintiffs for their investigative costs, in the total amount of \$6,780.95.

15. IT IS FURTHER ORDERED that nothing contained in this Judgment and Order, including the Court's determinations herein, shall bind or affect the rights of any persons not a party hereto, or preclude actions against any unnamed parties.

16. IT IS FURTHER ORDERED that nothing contained in this Judgment and Order shall bind or affect any position which any party may take in future or unrelated actions.

17. IT IS FURTHER ORDERED that this Judgment and Order may be enforced only by Plaintiffs or Defendants or their successors hereto.

18. IT IS FURTHER ORDERED that this Court retains jurisdiction for the purpose of enabling Plaintiffs or Defendants to apply to this Court for any such further orders and directions as may be necessary and appropriate for the enforcement of, or compliance with, this Judgment and Order.

FOR THE REASONS
EXPRESSED ON THE RECORD


HON. FRANCIS R. HODGSON, JR., P.J.CH.

1/10/2020

In accordance with the required statement of R. 1:6-2(a),
this motion was _____opposed _____unopposed.