

**FILED**

JAN 27 2020

Division of Consumer Affairs

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS

**IN THE MATTER OF AN INVESTIGATION  
BY THE NEW JERSEY DIVISION OF  
CONSUMER AFFAIRS**

of

**XTRA-FINANCIAL, L. L. C.,**

Respondent(s)

Administrative Action  
No. Z-DA-0900001

**FINAL ORDER  
ON DEFAULT**

This matter was opened by the Division of Consumer Affairs, Office of Consumer Protection (the "Division"), as an investigation of whether Xtra-Financial, L. L. C. ("you" or the "Respondent"), which operated from 2020 Fairfax Avenue, Suite 201 in Cherry Hill, NJ 08003, advertised, sold or offered for sale debt adjuster services without being licensed to conduct such services as required by N.J.S.A. 17:16G-1 et seq., thus violating the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (the "CFA"). The information reviewed included a contract ("Contract") and proof of payment ("Proof of Payment") for your services in the amount of \$3,781.00.

Pursuant to N.J.S.A. 17:16G-2a, no person other than a nonprofit social service agency or nonprofit consumer credit counseling agency shall act as a debt adjuster. Moreover, pursuant to N.J.S.A. 17:16G-2b, it is unlawful for any nonprofit social service agency or non profit consumer credit counseling agency to act as a debt adjuster without first obtaining a license from the Commissioner of the New Jersey Department of Banking and Insurance ("DOBI"). This statute defines debt adjuster to be a person who either (a) acts or offers to act for consideration as an intermediary between a debtor and his creditors for the purpose of settling, compounding, or otherwise altering the terms of payment of any debts of the debtor, or (b) who, to that end, receives money or other property from the debtor, or on behalf of the debtor, for payment to, or distribution among, the creditors of the debtor. See N.J.S.A. 17:16G-1.c. A diligent search has revealed that Respondent is not licensed as a debt adjuster.

N.J.S.A. 56:8-2 prohibits the act, use or employment by any person of any unconscionable commercial practice in connection with the sale or advertisement of merchandise, which includes the advertisement, offering and sale of debt adjustment services. The advertisement and sale of services by a person without being licensed to conduct such services constitutes an unconscionable commercial practice in violation of the CFA.

A review of the Contract and Proof of Payment, demonstrates that Respondent had engaged in an unconscionable commercial practice and violated the CFA by selling debt adjustment services without being licensed as a debt adjuster. These CFA violations provide the basis for the Director of the Division to assess penalties, pursuant to N.J.S.A. 56:8-13, order payment of investigative costs and attorneys fees and costs of suit, pursuant to N.J.S.A. 56:8-11 & 19, order restoration of fees unlawfully acquired, N.J.S.A. 56:8-15, and order you to cease and desist from engaging in this unlawful activity, N.J.S.A. 56:8-18.

A Notice of Violation was issued to Respondent on November 24, 2009, setting forth the findings of fact and conclusions of law above. An Investigator's certification with exhibits was attached to the Notice of Violation, establishing the factual basis for the charges.

Respondent was offered the opportunity to be heard on these charges. Respondent failed to reply within the fifteen (15) days as allowed by the terms of the Notice of Violation and, thus, the charges are deemed uncontested and true.

Accordingly, IT IS on this 27<sup>th</sup> day of January, 2010 ORDERED:

1. Respondent shall cease and desist from advertising, offering and selling debt adjustment services.
2. Respondent shall pay the Division of Consumer Affairs the sum of \$5,000.00 as a civil penalty, pursuant to N.J.S.A. 56:8-13 and \$3,781.00 as restitution, pursuant to N.J.S.A. 56:8-15. The amount due and owing totals \$8,781.00. Payments for penalties and restitution shall be made by a certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be delivered to the following address:

Attention: Supervisor  
Case Management Tracking Unit  
New Jersey Department of Law and Public Safety  
Division of Consumer Affairs  
124 Halsey Street  
P.O. Box 45025  
Newark, New Jersey 07101

3. Payment shall be made within ten(10) days of issuance of this Final Order.
4. Failure to pay any penalties within the time allowed will result in the filing of a Certificate of Debt.
5. Any subsequent violation of this Order may subject Respondent to additional penalties of up to \$25,000.00 penalty, pursuant to N.J.S.A. 56:8-18.
6. This Order constitutes a final agency action and shall be effective upon filing and is a public document subject to the New Jersey Open Public Records Act.

DIVISION OF CONSUMER AFFAIRS

BY:



Sharon M. Joyce, Acting Director

Division of Consumer Affairs