

within five business days of the change in the information or commencing operation at a new location.

Amended by R.2000 d.177, effective May 1, 2000.

See: 32 N.J.R. 344(a), 32 N.J.R. 1513(b).

In (b), inserted a reference to Form SBI-19 in 3, changed N.J.A.C. reference in 4, and rewrote 6; in (c), substituted a reference to the Department of Treasury, Division of Revenue for a reference to the Secretary of State; and added (g) through (i).

Amended by R.2005 d.191, effective June 20, 2005.

See: 37 N.J.R. 697(a), 37 N.J.R. 2201(a).

In (b), inserted "member," preceding "manager" in the introductory paragraph; in (c), inserted "their" preceding "corporate certificate" in the second sentence and added the third sentence; in (e), substituted "alternate names" for "fictitious names"; in (h), added 5; added (j).

Recodified from N.J.A.C. 3:24-1.6 by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 3 N.J.R. 2674(a).

Former N.J.A.C. 3:24-1.5 recodified as N.J.A.C. 3:24-1.4; section was "Application fees". Substituted "personal certification on a form supplied by the Commissioner" for "Certificate of Certified Consent for criminal investigative purposes" in (b)1, substituted "A two-inch by two-inch passport style photograph" for "Photographs" in (b)2, rewrote (b)3, substituted "1.4; and" for "1.5" in (b)4, deleted "; and" from the end of (b)5 and deleted (b)6.

Case Notes

Proximity to similar businesses and incomplete application justify denial of application for partnership check cashing license. *Shulman v. Department of Banking*, 96 N.J.A.R.2d (BKG) 1.

3:24-1.6 (Reserved)

Recodified as N.J.A.C. 3:24-1.5 by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 3 N.J.R. 2674(a).

Section was "Application process; requirements".

SUBCHAPTER 2. FINANCIAL RESPONSIBILITY

3:24-2.1 Proof of net worth; records

(a) An applicant shall submit to the Department an unqualified, audited financial statement prepared by a Certified Public Accountant or a public accountant, in accordance with generally accepted accounting principles, sufficient to satisfy the capital and net worth requirements of N.J.S.A. 17:15A-37. This statement shall reflect the financial status of the applicant as of a date not more than 12 months prior to the date of the application. The certified public accountant or public accountant issuing the statement shall be in good standing with their State Board of Accountancy or other appropriate regulatory agency.

(b) For each subsequent application, the applicant may use the initial unqualified, audited financial statement, provided that it is less than 12 months old and that it indicates that the applicant meets the higher net worth and liquid assets necessary for the additional offices sought to be approved.

(c) In the event the accountant does not maintain an office in New Jersey, the licensee's records may, at the option of the Department, be examined at the licensee's main office.

(d) Uncollected checks may not be carried on a financial statement more than 90 days after presentment.

Amended by R.2000 d.177, effective May 1, 2000.

See: 32 N.J.R. 344(a), 32 N.J.R. 1513(b).

Rewrote (a); in (c), substituted "may, at the option of the Department," for "shall" following "records"; and added (d).

SUBCHAPTER 3. PLACE OF BUSINESS

3:24-3.1 Compliance with State and local law

The applicant shall supply necessary permits, variances or other documentation sufficient to demonstrate that the facility is in compliance with all applicable State, county and municipal laws, ordinances and traffic regulations.

Amended by R.2000 d.177, effective May 1, 2000.

See: 32 N.J.R. 344(a), 32 N.J.R. 1513(b).

Deleted (a) designation; and deleted a former (b).

SUBCHAPTER 4. CHECK CASHING FEES; POSTING

3:24-4.1 Returned check fee; prohibition

(a) No licensee shall impose any charge or fee for a returned check on the customer who cashes the check.

(b) A licensee may charge a fee to the maker of the check, sufficient to reimburse the licensee for the charge imposed by the bank which returns the check unpaid.

3:24-4.2 Posting of fees; signs

(a) The licensee shall post and at all times display in a conspicuous place on the premises the license and also the schedule of fees to be charged, which fees shall not exceed the maximums permitted pursuant to N.J.S.A. 17:15A-43. The Department shall determine the number of signs which shall be posted and shall designate those areas in the check cashing facility where these signs will be displayed, depending upon the size of the office and its physical layout. These signs shall be in both the English language and Spanish language except where the Department deems it necessary that a different or additional language be used.

(b) Each sign shall be printed on heavy cardboard or other durable material, with printed information in a minimum of 22 point type with appropriate headings of at least 24 point bold type. These signs shall read as follows:

STATE LICENSED CHECK CASHER MAXIMUM
FEES YOU CAN BE CHARGED
2% OF YOUR CHECK

Example:

New Jersey check	\$300.00	
Maximum fee	6.00	2%
Cash to you	\$294.00	

CHECKS PAYABLE TO PERSON UNDER AID TO
FAMILIES WITH DEPENDENT CHILDREN
(AFDC) 1% OF YOUR CHECK

Example:

AFDC check	\$300.00	
Maximum fee	3.00	1%
Cash to you	\$297.00	

SUPPLEMENTAL SECURITY INCOME CHECKS
(Sub XVI) 1½% OF YOUR CHECK

Example:

SSI check	\$300.00	
Maximum fee	4.50	1½%
Cash to you	\$295.50	

SOCIAL SECURITY
OLD AGE AND SURVIVORS CHECKS
(Sub II) 1½% OF YOUR CHECK

Example:

SS check	\$300.00	
Maximum fee	4.50	1½%
Cash to you	\$295.50	

Amended by R.2000 d.177, effective May 1, 2000.
See: 32 N.J.R. 344(a), 32 N.J.R. 1513(b).

In (a), inserted “, which fees shall not exceed the maximums permitted pursuant to N.J.S.A. 17:15A-43” at the end of the first sentence; and in (b), added a sign relating to Social Security Old Age and Survivors checks.

SUBCHAPTER 5. CONDUCT OF BUSINESS

3:24-5.1 Check cashing procedure

(a) In addition to the requirements of N.J.S.A. 17:15A-44c, e and j, each licensee shall:

1. Pay to each customer tendering a check, draft or money order to be cashed, the entire face amount of the instrument in cash less any charges permitted by law, on the same date upon which the instrument is presented;
2. Indicate on each check, draft or money order cashed at the time of cashing, the date on which the item was cashed; and
3. Give each person presenting a check, draft or money order for cashing upon completion of each transaction an

itemized receipt indicating the name of the check casher, the teller number indicating which teller completed the transaction, the amount of the check cashed, the amount of the fee charged to cash the check and the amount of cash given to the person cashing the check.

Amended by R.2000 d.177, effective May 1, 2000.
See: 32 N.J.R. 344(a), 32 N.J.R. 1513(b).

3:24-5.2 Recordkeeping

(a) In addition to the requirements of N.J.S.A. 17:15A-441, a Summary of Business Record shall be maintained in which the number of checks, drafts, or money orders cashed, their total face amount, and the aggregate fees received, shall be shown for each business day and totaled for each calendar month. If this information is included in a horizontal form of daily cash reconciliation, that record will be acceptable in lieu of a separate summary of business. The summary record shall consist of six categories:

1. All two percent checks cashed;
2. All one percent checks cashed, including AFDC checks;
3. All one and one-half percent checks cashed including SSI and Social Security Old Age and Survivors checks;
4. All no-fee checks cashed;
5. All check cashing customer receipts; and
6. Any other checks cashed which do not fit into categories (a)1 through 5 above.

(b) A viewable photographic record of checks, drafts and money orders cashed, that sets forth all the information pertaining to said checks, drafts and money orders required by N.J.S.A. 17:15A-44d and 1 and (a) above, will be acceptable in lieu of the records required by this section.

1. In such event, the photographic film shall be processed promptly after each roll of film has been exposed, and the viewable records maintained by the licensee for at least three years after the date of the last photograph on the roll.

2. The licensee shall maintain a log indicating the beginning and ending business days covered by each individual roll of processed photographic records.

(c) Each licensee shall reconcile its bank statement at least monthly.

Amended by R.2000 d.177, effective May 1, 2000.
See: 32 N.J.R. 344(a), 32 N.J.R. 1513(b).

In (a)3, inserted a reference to Social Security Old Age and Survivors checks.

3:24-5.3 Return items record

(a) A return items record shall be maintained in which the following information shall be clearly recorded with respect to each check, draft or money order, returned unpaid:

3:25-1.4 (Reserved)

Repealed by R.1997 d.336, effective August 18, 1997.
See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).
Section was "Prior notice".

SUBCHAPTER 2. LICENSING OR REGISTRATION REQUIREMENTS

3:25-2.1 Eligibility for license or registration

(a) No person other than a nonprofit social service agency or a nonprofit credit counseling agency duly licensed in accordance with the Debt Adjuster Act and this chapter shall act as a debt adjuster or provide credit counseling.

(b) An unlicensed nonprofit social service agency or nonprofit credit counseling agency may provide high-cost home loan credit counseling if it is registered in accordance with this chapter. In order to provide high-cost home loan credit counseling, agencies licensed pursuant to the Debt Adjuster Act shall also be registered in accordance with this chapter.

(c) To be eligible for a license under the Debt Adjuster Act, a nonprofit social service agency or nonprofit consumer credit counseling agency shall establish a board of directors whose function shall be to establish the policies of the agency. No more than 40 percent of the members of the board shall have as their principal employer any corporation, association or institution that offers credit to the general public.

(d) To be eligible for registration as a high-cost home loan credit counselor, an agency, including an agency licensed pursuant to the Debt Adjuster Act, shall be a non-affiliated third party non-profit credit counseling agency approved by the United States Department of Housing and Urban Development.

New Rule, R.1997 d.336, effective August 18, 1997.
See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Former section recodified to N.J.A.C. 3:25-2.3.
Amended by R.2004 d.81, effective February 17, 2004.
See: 35 N.J.R. 4187(a), 36 N.J.R. 943(a).

In (a), inserted "duly licensed in accordance with the Debt Adjuster Act and this chapter" following "credit counseling agency"; added a new (b); recodified former (b) as (c) and inserted "under the Debt Adjuster Act" following "To be eligible for a license"; added (d).

3:25-2.2 Application for license or registration

(a) Prior to providing debt adjustment or credit counseling services, other than high-cost home loan credit counseling, a corporation shall obtain a license from the Department. The license application shall be on a form approved by the Commissioner and shall include the following information:

1. A Certificate of Incorporation bearing the New Jersey Secretary of State's dated filing stamp or, for foreign (out-of-State) corporations, a copy of the

Certificate of Authority to do business in New Jersey bearing the New Jersey Secretary of State's dated filing stamp;

2. If the corporation uses a doing business as name, a copy of the registration of fictitious corporate name bearing the New Jersey Secretary of State's dated filing stamp;

3. A completed certified consent certificate authorizing a criminal record check for each corporate director or trustee;

4. A completed biographical information form and personal financial statement for each director or trustee;

5. Information on whether any director, trustee or member of an advisory or other similar committee has ever had a license, permit or other authorization, other than a driver's license, been suspended or revoked by this or any other state or has been affiliated directly or indirectly with any other organization that has had such a license suspended or revoked;

6. An unqualified financial statement prepared by a certified public accountant or a public accountant demonstrating the financial condition of the corporation;

7. The applicant's balance sheet and profit and loss statement for the last fiscal period, if available;

8. If the primary source of operating funds is obtained from outside sources such as financial institutions, retail merchants, industrial concerns, labor unions, trade associations, religious organizations, foundations, etc., a schedule citing the names and addresses of all such individual contributors and the amount contributed and the amount anticipated for the current fiscal period;

9. A list of salaries or compensation paid to individual directors, trustees, officers, members of the advisory council or other persons in managerial positions during the last fiscal period or if the applicant is recently incorporated, the estimated amounts to be paid to all such individuals during the current fiscal period;

10. A schedule citing the types and amounts of insurable risks including:

i. Fidelity bonds covering every director, trustee, officer, employee or anyone who will have authority to act on the licensee's behalf;

ii. Indemnity insurance covering robbery, burglary, holdup, embezzlement or fraud by insiders, outsiders, forgery, errors and omissions, misplacement, etc.; and

iii. Fire and extended coverage on the office(s), furniture, fixtures and equipment, etc.;

11. Proof of the surety bond required by N.J.A.C. 3:25-2.5;

12. The address of all offices to be located in this State;

13. The license application fee required by N.J.A.C. 3:23-2.1; and

14. Additional information, which may be specifically requested by the Commissioner from a particular applicant.

(b) Upon determination that an applicant is qualified for licensure under the Debt Adjuster Act, the Commissioner shall issue a license for each location in this State where credit counseling and debt adjustment activities will take place. The license shall be prominently displayed in the public area of the office.

(c) A licensee shall advise the Department of a change of any legal name, business name or a change of the address that appears on the license by noting the change on the current original license and returning it to the Department for cancellation and reissuance of a new license containing updated information. No fee shall be required for such changes. If the notice is to change a legal or business name, the request shall be accompanied by a copy of the document filed in the office of the Secretary of State, County Clerk or other authority evidencing that the change has been properly recorded.

(d) Applicants for registration as a high-cost home loan credit counseling service shall not be affiliated with any lender of high-cost home loans and shall furnish acceptable proof of approval by the United States Department of Housing and Urban Development as a Housing Counseling Agency.

(e) Prior to providing high-cost home loan credit counseling services, a non-profit social service or credit counseling agency shall be registered by the Department. The registration application shall be on a form approved by the Commissioner and shall include the following information:

1. A Certificate of Incorporation bearing the New Jersey Secretary of State's dated filing stamp or, for foreign (out-of-State) corporations, a copy of the Certificate of Authority to do business in New Jersey bearing the New Jersey Secretary of State's dated filing stamp;

2. If the corporation uses a doing business as name, a copy of the registration of fictitious corporate name bearing the New Jersey Secretary of State's dated filing stamp;

3. Information on whether any director, trustee or member of an advisory or other similar committee has ever had a license, permit or other authorization, other than a driver's license, suspended or revoked by this or any other state or has been affiliated, directly or indirectly, with any organization that has had such a license suspended or revoked;

4. An unqualified financial statement prepared by a certified public accountant or a public accountant demonstrating the financial condition of the corporation;

5. A copy of the annual report of the nonprofit agency filed with the New Jersey Secretary of State pursuant to N.J.S.A. 15A:5, or an equivalent report for non-New Jersey corporations;

6. The applicant's balance sheet and profit and loss statement for the fiscal period preceding the filing of the application, if available;

7. The registration application fee required by N.J.A.C. 3:23-2.1; and

8. A copy of the current HUD Certificate of Approval of the agency as a Housing Counseling Agency and a certified statement affirming that, as of the date of the application, the agency's approval by HUD as a Housing Counseling Agency remains in full force and effect.

(f) The Commissioner may request from a particular applicant any additional information that is necessary to determine an applicant's eligibility for registration.

(g) Upon determination that an applicant is qualified for registration as a high-cost home loan credit counselor, the Commissioner shall register each office location in this State from which the high-cost home loan credit counselor shall operate. Such registration shall be deemed approval pursuant to N.J.S.A. 46:10B-26g.

(h) The Department shall post on the Department's website at <http://www.state.nj.us/dobi/>, a list of the office locations of all registered credit counseling agencies approved to counsel borrowers on high-cost home loans.

(i) A registrant shall advise the Department of a change of business address. No fee shall be required for such changes.

New Rule, R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Former section recodified to N.J.A.C. 3:25-2.4.

Amended by R.2004 d.81, effective February 17, 2004.

See: 35 N.J.R. 4187(a), 36 N.J.R. 943(a).

In (a), inserted "other than high-cost home loan credit counseling," following "counseling services" in the introductory paragraph, amended the N.J.A.C. references in 11 and 13; in (b), inserted "for licensure under the Debt Adjuster Act" preceding "the Commissioner"; added (d) through (i).

Amended by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 38 N.J.R. 2674(a).

In (a)13 and (b)7, inserted "application" and substituted "3:23-2.1" for "3:25-2.4".

3:25-2.3 Office requirement

(a) A licensee or registrant shall have a place of business in this State.

(b) Prior to conducting debt adjusting or credit counseling at any new location, the licensee shall file with the Commissioner the address of the office and the license fee required by N.J.A.C. 3:25-2.2.

Recodified from N.J.A.C. 3:25-2.1 and amended by R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Section name changed; in (a), substituted "have a place" for "establish a place"; and rewrote (b). Former section recodified to N.J.A.C. 3:25-2.5.

Amended by R.2004 d.81, effective February 17, 2004.

See: 35 N.J.R. 4187(a), 36 N.J.R. 943(a).

In (a), inserted "or registrant" following "licensee".

3:25-2.4 Bond

(a) A licensee shall maintain a bond in an amount not less than \$50,000 for the first office and \$25,000 for each additional office from a surety company authorized to do business in this State. The bond shall run to the State, pro rata, for its benefit and for the benefit of all consumers injured by the wrongful act, omission, default, fraud or misrepresentation of the licensee in the course of activity as a debt adjuster or credit counselor and for the benefit of the Department for unpaid examination bills, unpaid penalties and any other unpaid obligation of the licensee to the Department, including, but not limited to, returned items submitted to the Department in payment of bills, penalties, charges or fees. The bond shall not be payable for claims made by business creditors. No bond shall comply with this section unless it contains a provision that it shall not be cancelled for any reason unless notice of intention to cancel is filed with the Department at least 30 days before the day upon which cancellation shall take effect.

(b) The surety company shall pay consumers claims based on the damages directly incurred by the wrongful act, default, fraud or misrepresentation of the licensee.

(c) Attorney's fees, pre- or post-judgment interest, court costs and similar charges are not recoverable through the bond, unless such charges are included in a final judgment against the licensee and the surety company was given prior notice of the court action and an opportunity to respond.

(d) The bond shall not be payable for treble damage claims pursuant to the Consumer Fraud Act or any other State or Federal law.

Recodified from N.J.A.C. 3:25-2.3 and amended by R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

In (a), substituted "\$50,000 for the first office and \$25,000 for each additional office" for "\$50,000 for each principal office and \$25,000 for each branch office", substituted "debt adjuster ... charges or fees" for "licensee"; and added last two sentences; rewrote (b); and added (c) and (d). Former section recodified to N.J.A.C. 3:25-3.3.

Recodified from N.J.A.C. 3:25-2.5 by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 38 N.J.R. 2674(a).

Former N.J.A.C. 3:25-2.4, License and registration fees, repealed.

3:25-2.5 Annual audit requirement

Each licensee shall have its financial records relating to debt adjustment audited annually by a certified public accountant or a public accountant. The auditor shall certify that the salaries and expenses paid by the licensee are reasonable compared to those incurred by comparable organizations providing similar services. The licensee shall be

responsible for submitting or verifying the submission of the audit report to the Commissioner within 30 days of its issuance.

New Rule, R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Amended by R.2002 d.59, effective February 3, 2003.

See: 34 N.J.R. 2552(a), 35 N.J.R. 607(b).

In the third sentence, substituted "licensee shall be responsible for submitting or verifying the submission of the audit report" for "audit report shall be submitted".

Recodified from N.J.A.C. 3:25-2.6 by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 3 N.J.R. 2674(a).

Section was "Bond".

3:25-2.6 (Reserved)

Recodified as N.J.A.C. 3:25-2.5 by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 3 N.J.R. 2674(a).

Section was "Annual audit requirement".

SUBCHAPTER 3. PENALTIES AND EXAMINATION

3:25-3.1 Penalties

(a) The Commissioner may revoke, suspend or refuse to issue or renew a license, if after notice and hearing conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, the Commissioner determines that the licensee or applicant:

1. Has violated any provision of the Debt Adjuster Act or any order rule or regulation issued pursuant to that Act;
2. Has failed to pay any fee, penalty, or other lawful levy imposed by the Commissioner;
3. Has withheld information or made a material misstatement in an application for a license or in any other submission to the Department;
4. Has been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or has had a final judgment entered against him or her in a civil action upon grounds of fraud, misrepresentation or deceit;
5. Is associating with, or has associated with, any person who has been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or who has had a final judgment entered against him or her in a civil action upon grounds of fraud, misrepresentation or deceit;
6. Has become insolvent or has acted in a way that indicates that the licensee's debt adjustment and credit counseling business would not be operated in a financially responsible manner; or

7. Has demonstrated unworthiness, incompetence, bad faith or dishonesty in transacting business or otherwise.

(b) The Commissioner may revoke, suspend or refuse registration as a high-cost home loan credit counselor if, after notice and hearing as set forth in (a) above, the Commissioner determines that the registrant, applicant for registration or any officer, director or employee of either the registrant or applicant for registration has:

1. Issued a certification of counseling on a high-cost home loan or of alternate counseling on high-cost home loans without having fully provided the counseling as provided by the Home Ownership Security Act and this chapter;

2. Failed to pay any fee, penalty, or other lawful levy imposed by the Commissioner;

3. Withheld information or made a material misstatement in an application for registration or in any other submission to the Department;

4. Been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or has had a final judgment entered against him or her in a civil action upon grounds of fraud, misrepresentation or deceit;

5. Associated with any person who has been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or who has had a final judgment entered against him or her in a civil action upon grounds of fraud, misrepresentation or deceit;

6. Demonstrated unworthiness, incompetence, bad faith or dishonesty in transacting business or otherwise;

7. Failed to retain its HUD approval as a Housing Counseling Agency; or

8. Violated any provision of the Home Ownership Security Act or any order, rule or regulation issued pursuant to that Act.

(c) In addition to the penalties in (a) above, any person who violates any provisions of the Debt Adjuster Act or the rules applicable to licensees shall be subject to a penalty of \$500.00 to be collected in a summary procedure under the "penalty enforcement law," N.J.S.A. 2A:58-1 et seq. and any agency registered as a high-cost home loan credit counselor who violates any provision of the Home Ownership Security Act or the rules applicable to such registrants shall be subject to penalties pursuant to N.J.S.A. 46:10B-28(d).

(d) Any person who knowingly and willfully engages in the business of debt adjustment and credit counseling, other than high-cost home loan credit counseling, without a license in violation of the Debt Adjuster Act shall be guilty of a crime of the fourth degree pursuant to N.J.S.A. 2C:21-19f.

Recodified from N.J.A.C. 3:25-2.4 and amended by R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Section name changed; in (a), inserted "or refuse to issue or renew" and "or applicant"; deleted (a)8; and rewrote (b).

Amended by R.2003 d.59, effective February 3, 2003.

See: 34 N.J.R. 2552(a), 35 N.J.R. 607(b).

Added (c).

Amended by R.2004 d.81, effective February 17, 2004.

See: 35 N.J.R. 4187(a), 36 N.J.R. 943(a).

In (a), inserted "Debt Adjuster" preceding "Act" and substituted "that" for "the" in 1; added a new (b); recodified existing (b) and (c) as (c) and (d) and rewrote the paragraphs.

3:25-3.2 Injunctions

If the Commissioner has reason to believe that any person or licensee has engaged or is engaging in any practice or transaction prohibited by either of the Acts, the Commissioner may, in addition to any other remedies available, bring a summary action in the name of and on behalf of the State against the person or licensee and any other person concerned in or in any way participating or about to participate in those practices or transactions, to enjoin the person from continuing those practices or engaging in or doing any act in furtherance of those practices or in violation of the Acts.

New Rule, R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Amended by R.2004 d.81, effective February 17, 2004.

See: 35 N.J.R. 4187(a), 36 N.J.R. 943(a).

Inserted "either of" following "transaction prohibited by".

3:25-3.3 Right of investigation and examination

The Commissioner may make such investigations and examinations of any licensee or other person as he or she deems necessary to determine compliance with either of the Acts, these rules or orders issued by the Commissioner. For such purposes, he or she may examine, or compel by subpoena, the production of all relevant books, records, and other documents and materials relative to an examination or investigation.

Recodified from N.J.A.C. 3:25-2.5 and amended by R.1997 d.336, effective August 18, 1997.

See: 29 N.J.R. 2500(a), 29 N.J.R. 3719(a).

Substituted "these rules or orders issued by the Commissioner" for "regulations or orders" and added N.J.A.C. reference.

Amended by R.2004 d.81, effective February 17, 2004.

See: 35 N.J.R. 4187(a), 36 N.J.R. 943(a).

Inserted "either of" following "to determine compliance with" and "of the activities of an agency licensed under the Debt Adjuster Act" preceding "shall be borne".

Amended by R.2006 d.235, effective June 19, 2006.

See: 38 N.J.R. 10(a), 38 N.J.R. 2674(a).

Deleted former last sentence, which read: "The costs of examination of the activities of an agency licensed under the Debt Adjuster Act shall be borne by the licensee at the rates set forth in N.J.A.C. 3:1-6.6(b)."