

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

_____)	
CANDOR, INC d/b/a Candor Auto Sales; and)	ORDER TO SHOW CAUSE
ELOISE ECKERT.;)	
_____)	

TO: Candor, Inc
1745 Route 37 East
Toms River, NJ 08753

Eloise Eckert
3 Gilford Avenue
Toms River, NJ 08753

THIS MATTER having been opened by the Commissioner of the New Jersey Department of Banking and Insurance (“Commissioner”), upon information that Candor, Inc. d/b/a Candor Auto Sales (“Candor”) and Eloise Eckert (collectively, “Respondents”), may have violated various provisions of the Retail Installment Sales Act, N.J.S.A. 17:16C-1 to -60 (the “Act” or “RISA”); and

WHEREAS, Candor is a New Jersey Motor Vehicle Installment Seller Licensee domiciled and doing business at 1745 Route 37 East, Toms River, New Jersey 08753; and

WHEREAS, Eloise Eckert is the President and owner of Candor; and

WHEREAS, Respondents are subject to the provisions of the Act; and

WHEREAS, pursuant to N.J.S.A. 17:16C-2, no person shall engage in the business of a motor vehicle installment seller without obtaining a license under RISA from the Commissioner; and

WHEREAS, pursuant to N.J.S.A. 17:16C-55, any person, director, officer, employee, agent or representative thereof who or which engages in business as a motor vehicle installment seller without having first obtained a license under RISA as required by N.J.S.A. 17:16C-2 shall be liable for a penalty of not more than \$1,000.00 for each violation; and

WHEREAS, pursuant to N.J.S.A. 17:16C-55, each motor vehicle sales contract entered into by Respondents without a license under RISA shall constitute a separate violation; and

COUNT 1

IT APPEARING that Candor is a New Jersey incorporated company doing business out of 1745 Route 37 East Toms River, NJ 08753 ; and

IT APPEARING that Eloise Eckert is the owner and principal of Candor; and

IT FURTHER APPEARING that Respondents operate a motor vehicle dealership at 1745 Route 37 East Toms River, New Jersey selling used and/or new automobiles to the general public; and

IT FURTHER APPEARING that Respondents first obtained a license under RISA on or about November 9, 2005; and

IT FURTHER APPEARING that Respondents license under RISA lapsed from July 1, 2017 until July 17, 2017 (“Lapsed Period”); and

IT FURTHER APPEARING that in June 2019, the Office of Consumer Finance of the Department of Banking and Insurance (“OCF”) received an enforcement referral alleging Respondents’ unlicensed RISA activity by Respondents; and

IT FURTHER APPEARING that on or about June 27, 2019, an OCF investigator issued a demand for information concerning motor vehicle installment sales contracts entered into by Respondents during the Lapsed Period; and

IT FURTHER APPEARING that on or about August 1, 2019, OCF received a response from Respondents with copies of 12 contracts entered into by Respondents during the Lapsed Period; and

IT FURTHER APPEARING that Candor is a small automobile sales dealership, Eloise Eckert knew of and/or directed the sales activity of Candor alleged herein; and

IT FURTHER APPEARING that by entering into motor vehicle installment contracts without a license under RISA, Respondents violated N.J.S.A. 17:16C-55; and

IT FURTHER APPEARING that each motor vehicle installment contract entered into by Respondents without a license under RISA constitutes a separate violation of the Act; and

NOW, THEREFORE, IT IS on this 10 day of March 2022,

IT IS ORDERED that Respondents appear and show cause why the Commissioner should not assess a civil penalty, jointly and severally, of not more than \$1,000 for each violation of the Act, pursuant to N.J.S.A. 17:16C-55; and

IT IS FURTHER ORDERED that Respondents have the right to request an administrative hearing, to be represented by counsel or other qualified representative, at its own expense, to take testimony, to call or cross-examine witnesses, to have subpoenas issued, and to present evidence or argument if a hearing is requested; and

IT IS FURTHER ORDERED that unless a request for a hearing is received within twenty (20) days of the service of this Order to Show Cause, the right to a hearing in this matter shall be deemed to have been waived by Respondents and the Commissioner shall dispose of this matter in accordance with law. A hearing may be requested by mailing the request to Paulette Sibblies-Flagg, OCF Investigations Unit, Department of Banking and Insurance, P.O. Box 040, Trenton, New Jersey 08625 or by electronic mail to paulette.sibblies-flagg@dobi.nj.gov. A copy of the request for a hearing shall also be sent to Deputy Attorney General Telge N. Peiris at P.O. Box

117, Trenton, New Jersey 08625 or by electronic mail to telge.peiris@law.njoag.gov. The request shall contain the following:

- A. Respondents' full name, address, and daytime telephone number;
- B. A statement referring to each charge alleged in this Order to Show Cause and identifying any defense intended to be asserted in response to each charge. Where the defense relies on facts not contained in the Order to Show Cause, those specific facts must be stated;
- C. A specific admission or denial of each fact alleged in this Order to Show Cause. Where Respondents have no specific knowledge regarding a fact alleged in the Order to Show Cause, a statement to that effect must be contained in the hearing request. Allegations of this Order to Show Cause not answered in the manner set forth above shall be deemed to have been admitted; and
- D. A statement requesting a hearing.



Marlene Caride
Commissioner