

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

Proceedings by the Commissioner of Banking)
and Insurance, State of New Jersey, to fine,)
suspend and/or revoke the consumer lender)
license and sales finance company license of)
AC Autopay LLC, Reference No. 1200576.)

FINAL ORDER

TO: AC Autopay LLC
In care of: Jeffrey Hutcheson
8055 E. Tufts Ave., Suite 1100
Denver, CO 80237

THIS MATTER having been opened by the Commissioner of the New Jersey Department of Banking and Insurance (“Commissioner”), upon information that AC Autopay LLC (“Respondent”), may have violated various provisions of the New Jersey Consumer Finance Licensing Act, N.J.S.A 17:11C-1 to -50 (“CFLA”) and Retail Installment Sales Act of 1960, N.J.S.A. 17:16C-1 to -61 (“RISA”); and

WHEREAS, Respondent was licensed as a consumer lender under the CFLA from November 25, 2015 until June 30, 2019, when the license expired; and

WHEREAS, Respondent was licensed as a sales finance company under the RISA from December 5, 2015 until June 30, 2019, when the license expired; and

WHEREAS, Respondent is subject to the provisions of the CFLA and the RISA; and

WHEREAS, pursuant to N.J.S.A. 17:11C-19(c), every licensed consumer lender shall preserve all books, accounts, records and other documents pertaining to its business, and keep

them available for examination by the Commissioner, for at least three years from the date of original entry, or a longer time as prescribed by the Commissioner by regulation; and

WHEREAS, pursuant to N.J.S.A. 17:11C-18(a)(1), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the CFLA if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has violated any of the provisions the RISA or any order, rule or regulation made or issued pursuant to the RISA; and

WHEREAS, pursuant to N.J.S.A. 17:11C-18(a)(5), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the CFLA if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has demonstrated unworthiness, incompetence, bad faith or dishonesty in the transacting of business as a licensee; and

WHEREAS, pursuant to N.J.S.A. 17:11C-18(i), the Commissioner may impose a civil penalty not exceeding \$25,000.00 on any person for a violation of the CFLA; and

WHEREAS, pursuant to N.J.S.A. 17:16C-15, the Commissioner shall have the power to make such investigations as she shall deem necessary, and may examine the books, accounts, records and files of such licensed sales finance company or any other such person believed to have violated the RISA or any other law relating to retail installment sales or contracts; and

WHEREAS, pursuant to N.J.S.A. 17:16C-18, every sales finance company shall maintain at its place or places of business in this State such books, accounts and records relating to all transactions within the RISA as will enable the Commissioner to enforce full compliance with the provisions of the RISA; and

WHEREAS, pursuant to N.J.S.A. 17:16C-10(a)(1), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the RISA if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has violated any of the provisions the RISA or any order, rule or regulation made or issued pursuant to the RISA; and

WHEREAS, pursuant to N.J.S.A. 17:16C-10(a)(5), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the RISA if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has demonstrated unworthiness, incompetence, bad faith or dishonesty in the transacting of business as a licensee; and

WHEREAS, pursuant to N.J.S.A. 17:16C-56, any person conducting business under the RISA and any director, officer, partner, member, employee, agent, or representative thereof who shall knowingly violate any provision of the RISA or shall directly or indirectly counsel, aid or abet such violation shall be liable to a penalty of not more than \$500.00 for each offense; and

WHEREAS, the Commissioner issued Order to Show Cause OCF22-08 on March 11, 2022, alleging violations of the Act by Respondent as follows:

COUNT 1

IT APPEARING that on October 19, 2017, the Department requested that Respondent submit to the Department's examination of Respondent's books and records; and

IT FURTHER APPEARING that on October 23, 2017, November 14, 2017, and January 11, 2018, the Department again requested that Respondent submit to the Department's examination of Respondent's books and records; and

IT FURTHER APPEARING that on February 6, 2018, the Department requested that Respondent produce its records on the

loans issued in New Jersey from January 1, 2015 to December 31, 2017; and

IT FURTHER APPEARING that Respondent failed to submit to the Department's examination and failed to produce the requested information and records; and

IT FURTHER APPEARING that by failing to submit to the Department's examination and by failing to produce the requested information and records, Respondent violated N.J.S.A. 17:11C-19(c) and N.J.S.A. 17:16C-15; and

WHEREAS, as the holder of two separate licenses, Respondent had separate obligations to submit to the Department's examination of Respondent's consumer lender activity and sales finance activity; and

WHEREAS, as set forth in the certification of service of Garen Gazaryan, Deputy Attorney General, attached hereto as Exhibit A, Respondent was given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to the Order to Show Cause, which was duly served upon Respondent by certified and regular mail to their last known mailing address; and

WHEREAS, as the primary regulator under the CFLA and RISA, the Commissioner is entrusted with the supervision and regulation of the consumer finance lending business in New Jersey; and

WHEREAS, Respondent's refusal to submit to examination obstructed the Commissioner's regulatory authority to supervise Respondent, including review of any consumer complaints, review of fees it charges consumers, and assessment of the overall viability of the company; and

WHEREAS, Respondent showed bad faith by failing to submit to the Department's examination despite the Department's repeated requests; and

WHEREAS, that Respondent failed to provide written responses to the charges contained in the Order to Show Cause, and therefore Respondent has waived its right to a hearing to contest these charges and the charges are deemed admitted; and

NOW, THEREFORE, IT IS on this 3 day of October 2022,

ORDERED, that the charges contained in Count One of the Order to Show Cause are deemed admitted by Respondent; and

IT IS FURTHER ORDERED that, pursuant N.J.S.A. 17:11C-18(a)(1) and (a)(5), Respondent's expired consumer lender license is hereby **REVOKED** effective upon the execution of this Final Order by the Commissioner; and

IT IS FURTHER ORDERED that, pursuant N.J.S.A. 17:16C-10(a)(1) and (a)(5), Respondent's expired sales finance company license is hereby **REVOKED** effective upon the execution of this Final Order by the Commissioner; and

IT IS FURTHER ORDERED that Respondent shall pay a civil penalty of \$25,000.00 to the Commissioner for failing to submit to the Department's examination of its consumer lender activity and by failing to produce the requested information and records related to its consumer lender activity, pursuant to N.J.S.A. 17:11C-18(i); and

IT IS FURTHER ORDERED that Respondent shall pay a civil penalty of \$500.00 to the Commissioner for failing to submit to the Department's examination of its sales finance activity and by failing to produce the requested information and records related to its sales finance activity, pursuant to N.J.S.A. 17:16C-56; and

IT IS FURTHER ORDERED, that Respondent shall pay the penalty in the total amount of \$25,500.00 to the Commissioner of Banking and Insurance, State of New Jersey, P.O. Box 040, Trenton, New Jersey 08625, Attention: Paulette Sibblies-Flagg, OCF Enforcement Unit, by

certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," within ten days from the date of service of this Order; and

IT IS FURTHER ORDERED, that in the event full payment of the penalty and costs is not made, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties, in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER ORDERED, that the civil penalty in this Final Order is imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and is not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT IS FURTHER ORDERED, that the provisions of this Final Order represent a final agency decision and constitute a final resolution of the allegations contained in the Order to Show Cause.



Marlene Caride
Commissioner

MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117
Attorney for the Department

By: Garen Gazaryan
Deputy Attorney General
NJ Attorney ID No. 070262013
(609)376-2965
Garen.Gazaryan@law.njoag.gov

_____)
Proceedings by the Commissioner of Banking and)
Insurance, State of New Jersey, to fine, suspend and/or)
revoke the consumer lender license and sales finance)
company license of AC Autopay LLC, Reference No.)
1200576._____)
_____)

**CERTIFICATION OF
GAREN GAZARYAN**

I, Garen Gazaryan, of full age, do of my own personal knowledge make the following statements by way of certification in lieu of affidavit pursuant to R. 1:4-4(b):

1. I am a Deputy Attorney General assigned as counsel for the New Jersey Department of Banking and Insurance (“Department”) in the above matter. I submit this certification in support of the Department’s request that a Final Order be entered against Respondent AC Autopay LLC (“Respondent”), and specifically to establish that proper service of Order to Show Cause No. OCF22-08 was made upon Respondent.

2. The Commissioner issued Order to Show Cause No. OCF22-08 on March 11, 2022.

3. By letter dated on March 11, 2022, my office sent a copy of the Order to Show Cause to the following address for Respondent on file with the Department: 1147 Broadway,

Denver, Colorado 80203. (Attached as Exhibit 1 is a true and correct copy of the March 11, 2022 cover letter).

4. The certified and regular mail were returned to my office with a notation “Not Deliverable as addressed. Unable to forward.” (Attached as Exhibit 2 is a copy of the returned certified and regular mail).

5. A subsequent search of Respondent’s current mailing address revealed that Respondent is currently doing business out of 8055 E. Tufts Ave., Suite 1100, Denver, Colorado 80237. (Attached as Exhibit 3 is a true and correct copy of the printout of Respondent’s website showing its current address).

6. By letter dated on May 6, 2022, my office sent a copy of the Order to Show Cause to Respondent’s current mailing address via certified and regular mail to 8055 E. Tufts Ave., Suite 1100 Denver, Colorado 80237. (Attached as Exhibit 4 is a true and correct copy of the May 6, 2022 cover letter).

7. The certified mail was delivered to Respondent. (Attached as Exhibit 5 is a copy of the USPS tracking showing delivery of the certified mail).

8. The regular mail was not returned to my office.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Garen Gazaryan
Garen Gazaryan

Dated: July 13, 2022

Exhibit 1



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 117
TRENTON, NJ 08625-0117

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Acting Attorney General

MICHELLE L. MILLER
Director

March 11, 2022

VIA Regular and Certified Mail (return receipt requested)

AC Autopay LLC
In care of: Jeffrey Hutcheson
1147 Broadway
Denver, Colorado 80203

Re: I/M/O AC Autopay LLC, Reference Nos. 1502018 and 1200576

OTSC No. OCF22-08

Dear Mr. Hutcheson:

I represent the New Jersey Department of Banking and Insurance ("Department"). Enclosed, please find Order to Show cause No. OCF22-08 issued by the Commissioner of the Department on March 11, 2022.

The Order to Show Cause charges AC Autopay LLC with various violations of the laws of the State of New Jersey, and orders it to appear and show cause as to why its motor vehicle installment seller license and sales finance company license should not be suspended or revoked, and why administrative penalties should not be imposed.

You have the right to request an administrative hearing in regard to these allegations. Complete instructions on how to request a hearing are contained within the enclosed Order to Show Cause.

Briefly here, a request for hearing must provide a specific statement responding to each charge alleged in the Order to Show Cause, specifically admit or deny each fact alleged in the Order to Show Cause, identify any facts of which you have no specific



March 11, 2022

Page 2

knowledge, and identify any defenses intended to be asserted in response to each charge.

The request for hearing must be received by the Department within twenty (20) days of service of the Order to Show Cause upon you. The request for hearing should be sent to Paulette Sibblies-Flagg at paulette.sibblies-flagg@dobi.nj.gov and a copy mailed to P.O. Box 040, Trenton, New Jersey. A copy of the request for a hearing should also be sent to my office at garen.gazaryan@law.njoag.gov and a copy mailed to P.O. Box 117, Trenton, New Jersey 08625.

If you fail to respond to this Order to Show Cause within the time provided, a Final Order will be issued by the Commissioner.

Thank you for your attention to this matter.

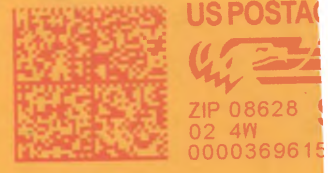
MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Garen Gazaryan
Garen Gazaryan
Deputy Attorney General

Enclosure

Exhibit 2

BCI: 08625011717 0159N091034-02633
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
NIXIE 808 7E 1 7203/31/22



Garen Gazaryan
Deputy Attorney General

From

DEPARTMENT OF LAW AND PUBLIC SAFETY

Richard J. Hughes Justice Complex

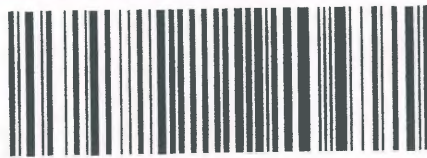
DIVISION OF LAW PO BOX 117 TRENTON, NJ 08625

To:

AC Autopay LLC
In care of: Jeffrey Hutcheson
1147 Broadway
Denver, Colorado 80203



CERTIFIED MAIL®



7019 1120 0001 2312 6295



US POSTA



ZIP 08628
02 4W
00003696 1

NIXIE
NOT DELIVERABLE TO SENDER
808 FE 1
0003/23/22
0159N082114-01654
09625011717
UNDELIVERABLE TO SENDER
AS ADDRESSED
FORWARD

Garen Gazaryan
Deputy Attorney General

From

DEPARTMENT OF LAW AND PUBLIC SAFETY

Richard J. Hughes Justice Complex

DIVISION OF LAW PO BOX 117 TRENTON, NJ 08625

To:

AC Autopay LLC
In care of: Jeffrey Hutcheson
1147 Broadway
Denver, Colorado 80203



Exhibit 3



AUTOPAY

- Home (/)
- New Auto Loan (/new-auto-loan)
- Refinance (/refinance)
- About
- About Us (/about-us)
- Partners (/partners)
- Reviews (/reviews)
- Referrals (/referrals)
- Contact (/contact)
- Resources
- ESign Agreement (/esign)
- Electronic Document Policy (/electronic-document)
- Credit Report Pull Authorization (/credit-report-pull-authorization-2)
- GAP Waivers (/gap-waivers)
- VSC Coverage (/vehicle-service-contract)
- Military Lending Act Auto Loan Compliance (/military-lending-act-auto-loan-compliance)
- Auto Loan Calculator (/auto-loan-calculator)
- Electronic Communication Consent (/electronic-communication-consent)

LOGIN



PAYMENTS

Make a payment

Log in (<https://portal.icheckgateway.com/ACAP2/>) or call 85

GET IN TOUCH WITH AUTOPAY

Loan Champion Team: 844.276.3272 (tel:(844)%20276-3272)



Hi there, have a question? Text us here.



INTERESTED IN SEEING WHAT AUTOPAY CAN DO FOR YOU?

GET RATES

HOURS OF OPERATION

Mon – Fri: 7:00 AM – 7:00 PM MST

Sat: 9:00 AM – 5:00 PM MST

Sun: Closed

OTHER CONTACT INFORMATION

Channel Partners and Products: 303.615.7245

Lender Partners: 303.615.7245

Media Inquiries: 720.390.5044

Correspondence & Insurance

8055 E. Tufts Ave., Suite 1100

Denver, CO 80237



Hi there, have a question? Text us here.



Refinancing (/refinance)



844.276.3272



[Buy A Car \(/new-auto-loan\)](/new-auto-loan)

[Partners \(/partners\)](/partners)

[Careers \(/careers-1\)](/careers-1)

[Contact \(/contact\)](/contact)

[Frequently Asked Questions \(/faq\)](/faq)

[Privacy Rights \(/privacy-rights\)](/privacy-rights)

[Legal & Disclaimers \(/legal-disclaimer\)](/legal-disclaimer)

[Refunds \(/refunds\)](/refunds)

[Privacy Policy \(/privacy-policy\)](/privacy-policy)

[Make a Payment \(https://portal.icheckgateway.com/ACAP2/\)](https://portal.icheckgateway.com/ACAP2/)

[Terms & Conditions \(/terms-conditions\)](/terms-conditions)

[Terms Of Use \(/terms\)](/terms)



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[Privacy Policy \(/privacy-policy\)](/privacy-policy) | [Do Not Sell My Personal Information \(https://www.autopay.com/privacy-policy\)](https://www.autopay.com/privacy-policy)

[California Collection Notice \(https://www.autopay.com/privacy-policy\)](https://www.autopay.com/privacy-policy)



Hi there, have a question? Text us here.



Exhibit 4



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 117
TRENTON, NJ 08625-0117

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Acting Attorney General

MICHELLE L. MILLER
Director

May 6, 2022

VIA Regular and Certified Mail (return receipt requested)

AC Autopay LLC
In care of: Jeffrey Hutcheson
8055 E. Tufts Ave., Suite 1100
Denver, CO 80237

Re: I/M/O AC Autopay LLC, Reference Nos. 1502018 and 1200576

OTSC No. OCF22-08

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Thank you for your attention to this matter.

MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Garen Gazaryan
Garen Gazaryan
Deputy Attorney General

Enclosure

Exhibit 5

Track Another Package +

Tracking Number: 70191120000123126561

Remove X

Your item has been delivered to an agent for final delivery in DENVER, CO 80237 on May 12, 2022 at 10:49 am.

USPS Tracking Plus[®] Available ✓

Delivered to Agent for Final Delivery

May 12, 2022 at 10:49 am
DENVER, CO 80237

Feedback

Get Updates ✓

Text & Email Updates



Tracking History



May 12, 2022, 10:49 am

Delivered to Agent for Final Delivery
DENVER, CO 80237

Your item has been delivered to an agent for final delivery in DENVER, CO 80237 on May 12, 2022 at 10:49 am.

May 11, 2022, 10:52 pm

Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

May 11, 2022, 5:44 am

Arrived at USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

May 10, 2022

In Transit to Next Facility

May 9, 2022, 8:26 pm

Departed USPS Regional Facility
TRENTON NJ DISTRIBUTION CENTER

May 9, 2022, 5:02 pm

Arrived at USPS Regional Facility
TRENTON NJ DISTRIBUTION CENTER

USPS Tracking Plus®



Feedback

Product Information



See Less

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs