

STATE OF NEW JERSEY



DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

CONSENT ORDER NO. E17-018607

IN THE MATTER OF:

DAWN BOTTLE AND SPIRITS, INC.)	CONSENT ORDER TO:
REFERENCE NO. 9500871-C08)	IMPOSE A PENALTY
DINEXH & PALLAVI PATEL)	
DAWN BOTTLE AND SPIRITS, INC.)	
1020 PENNINGTON ROAD)	
EWING, NJ 08618)	
DINEXH & PALLAVI PATEL)	
DAWN BOTTLE AND SPIRITS, INC.)	
6 KAREN STREET)	
SPOTSWOOD, NJ 08884)	

This matter having been opened by the Office of Consumer Finance within the Division of Banking of the New Jersey Department of Banking and Insurance ("Department") upon information that Dawn Bottle and Spirits, Inc. ("the Licensee"), at all times relative to this Consent Order, a licensed casher of checks pursuant to The Check Cashers Regulatory Act of 1993, N.J.S.A. 17:15A-1 et. seq. (the "Act"), may have violated certain provisions of the Act; and

WHEREAS IT APPEARS that Licensee may have violated the following:

1. N.J.S.A. 17:15A-43 (b) - Check cashing fees

Pursuant to recent examination findings, the Licensee overcharged at least ninety (90) New Jersey customers cashing checks for Temporary Assistance for Needy Families.

2. N.J.S.A. 17:15A-43 (c) - Check cashing fees

The examination of the Licensee also determined that it overcharged at least one hundred and sixty-seven (167) of its New Jersey customers who cashed checks for supplemental security income.

AND WHEREAS, in the event that the Commissioner issued an administrative Order to Show Cause to the Licensee addressing the above-referenced apparent violations, the Licensee would be entitled to request a hearing of the matter as a contested case in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.; and

WHEREAS the Licensee understands these rights and has voluntarily waived the right to a hearing on the matters addressed in this Consent Order; and

WHEREAS, without making any admission of liability with respect to any of the apparent violations cited in this Consent Order, the Licensee has agreed for purposes of settlement to undertake the following actions: **Immediately cease overcharging its customers for fees in excess of those allowed by the Act;** and

WHEREAS, without making any admission of liability with respect to any of the apparent violations cited in this Consent Order, the Licensee has agreed for purposes of settlement to pay civil administrative penalties in the amount of **\$10,000**; and

WHEREAS the provisions of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and regulations and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in bankruptcy proceedings; and

WHEREAS the parties to this Consent Order have determined that this matter is suitable for resolution upon the consent of the parties and that the Licensee and the Department desire to resolve this matter without a hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS on this 14th day of November 2017,

ORDERED AND AGREED as follows:

1. **The Licensee will immediately cease overcharging its customers for fees in excess of those allowed by the Act.**
2. **The Licensee shall pay civil administrative penalties in the amount of \$10,000.**

Payment shall be made as follows. The amount of said penalties is due in full upon entry into this Consent Order by means of a certified check, bank check or money order made payable to the "Treasurer, State of New Jersey" to be sent to:

**Department of Banking and Insurance
Collections Bureau
P.O. Box 325
Trenton, NJ 08625
Attention: Rose McGill**

This Consent Order shall be duly signed by the Licensee and sent along with a copy of the proof of payment listed above as well as the formal response to the Report of Examination to:

**Department of Banking and Insurance
Office of Consumer Finance
P.O. Box 040
Trenton, NJ 08625
Attention: Troy Dayton**

3. **The Licensee consents to the entry of this Consent Order as a final administrative order, and Licensee understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et seq.**

Consented to with respect to
both form and content:

[LICENSEE]

By: *Dinesh Patel*
Print Name: DINESH PATEL
Date: 11/11/17

It is so ordered:

RICHARD J. BADOLATO, COMMISSIONER
NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE

By: *Thomas M. Hunt*
Thomas M. Hunt
Assistant Director
Office of Consumer Finance