

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

	)	FINAL ORDER
Proceedings by the Commissioner of Banking	)	
and Insurance, State of New Jersey, to fine,	)	
suspend and/or revoke the motor vehicle	)	
Installment seller license of JDN AA, LLC	)	
d/b/a Audi Newton, Reference No. 1000204-C01	)	
	)	
	)	

TO: JDN AA, LLC d/b/a Audi Newton
691-699 McCarter Highway
Newark, New Jersey 07102

THIS MATTER having been opened by the Commissioner ("Commissioner") of the New Jersey Department of Banking and Insurance ("Department"), upon information that JDN AA, LLC d/b/a Audi Newton ("Respondent"), may have violated various provisions of the Retail Installment Sales Act of 1960, N.J.S.A. 17:16C-1 to -61 ("Act"); and

WHEREAS, Respondent's motor vehicle installment seller license expired on June 30, 2021 and on December 31, 2022 was revoked; and

WHEREAS, Respondent is subject to the provisions of the Act; and

WHEREAS, pursuant to N.J.S.A. 17:16C-2, no person shall engage in or continue to engage in the business of a motor vehicle installment seller in this State without first obtaining a license from the Commissioner as provided for in the Act; 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 Act 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 Act or any order, rule or regulation made or issued pursuant to the Act; 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 Act if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has engaged in any other conduct which would be deemed by the Commissioner to be the cause for denial of the license; and

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

WHEREAS, the Commissioner issued Order to Show Cause OCF22-06 on January 19, 2023 alleging violations of the Act by Respondent as follows:

COUNT 1

IT APPEARING that Respondent's motor vehicle installment seller license expired on June 30, 2017; and

IT FURTHER APPEARING that Respondent obtained a new motor vehicle installment seller license on October 26, 2018; and

IT FURTHER APPEARING that from July 1, 2017 to October 25, 2018, Respondent was not licensed to engage in the motor vehicle installment sales business in New Jersey; and

IT FURTHER APPEARING that despite being unlicensed from July 1, 2017 to October 25, 2018, Respondent sold at least nine (9) automobiles with accompanying installment sales contracts in New Jersey; and

IT FURTHER APPEARING that by selling at least nine (9) automobiles with accompanying installment sales contracts in New Jersey without being licensed to do so, Respondent violated N.J.S.A. 17:16C-2; N.J.S.A. 17:16C-10(a)(1), (a)(5), and (a)(6); and N.J.S.A. 17:16C-55; and

IT FURTHER APPEARING that each act of selling a vehicle with an installment sales contract without being licensed to do so constitutes a separate violation of the Act; and

WHEREAS, as set forth in the certification of service of Nicholas Kant, 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, Respondent withdrew its hearing request, and therefore Respondent has waived its right to a hearing to contest these charges and the charges are deemed admitted; and

WHEREAS, the Commissioner has reviewed the civil penalty factors under Kimmelman v. Henkels & McCoy, Inc., 108 N.J. 123, 137-139 (1987), and finds that Respondent showed bad faith by selling at least nine (9) automobiles with accompanying installment sales contracts in New Jersey while its motor vehicle installment seller license was expired; and

NOW, THEREFORE, IT IS on this 31st day of July 2024,

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 to N.J.S.A. 17:16C-10(a)(1), (a)(5), and (a)(6), the expired motor vehicle installment seller license of Respondent JDN AA, LLC d/b/a Audi Newton is hereby **REVOKED** effective upon the execution of this Final Order by the Commissioner; and

IT IS FURTHER ORDERED that, based on the Kimmelman analysis above, Respondent is assessed and shall pay a civil penalty of \$9,000.00, to the Commissioner for nine violations of the Act, pursuant to N.J.S.A. 17:16C-55; and

IT IS FURTHER ORDERED, that Respondent shall remit the payment of \$9,000.00 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.



Justin Zimmerman
Acting Commissioner