STATE OF NEW JERSEY

DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

ORDER NO. E16-017862

IN THE MATTER OF:			
Century Union Services LLC, Reference No. 1100793; and Robes Barboza, NMLS ID 908878))	FINAL ORDER	
To: CENTURY UNION SERVICE 107 YELL 108 YELL 109 YELL	CES, LLC	CENTURY UNION SERVICES, LLC	
107 Wilson Ave., Newark, New Jersey 07105		30 Ferry Street, Newark, New Jersey 07105	
CENTURY UNION SERVICES, LLC 597 West Sample Road, Suite B, Pompano Beach, Florida 33060		CENTURY UNION SERVICES, LLC 9 Checkerberry Lane, Chelmsford, Massachusetts 01824	
ROBES BARBOZA 107 Wilson Ave., Newark, New Jersey 07105		ROBES BARBOZA 30 Ferry Street, Newark, New Jersey 07105	
ROBES BARBOZA 597 West Sample Road, Suite Pompano Beach, Florida 330		ROBES BARBOZA 9 Checkerberry Lane, Chelmsford, Massachusetts 01824	

This matter, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon issuance of Order to Show Cause No. E16-017862, alleging that Century Union Services, LLC ("Century Union"), and Robes Barboza ("Barboza"), (collectively, "Respondents") may have violated certain provisions of the New Jersey Money Transmitters Act ("Money Transmitters Act"), N.J.S.A. 17:15C-1 et seq.; and

WHEREAS, Century Union is a Massachusetts limited liability company with a branch location at 107 Wilson Avenue, Newark, New Jersey and is actively licensed by the New Jersey Department of Banking and Insurance ("Department") as a foreign money transmitter pursuant to N.J.S.A. 17:15C-4; and

WHEREAS, Barboza is the managing member and sole owner of Century Union; and WHEREAS, Barboza is a "controlling person" of Century Union pursuant to N.J.A.C. 3:27-1.2; and

WHEREAS, pursuant to N.J.S.A. 17:15C-16b, the Commissioner may suspend or revoke a license if the Commissioner finds that any fact or condition exists that, if it had existed at the time when the licensee applied for its license, would have been grounds for denying the application; and

WHEREAS, pursuant to N.J.S.A. 17:15C-16d, the Commissioner may suspend or revoke a license if the Commissioner finds that the licensee knowingly violates any material provision of the Money Transmitters Act or any rule or order validly promulgated by the Commissioner under authority of the Money Transmitters Act; and

WHEREAS, pursuant to N.J.S.A. 17:15C-16e, the Commissioner may suspend or revoke a license if the Commissioner finds that the licensee is conducting its business in an unsafe or unsound manner; and

WHEREAS, pursuant to N.J.S.A. 17:15-16g, the Commissioner may suspend or revoke a license if the Commissioner finds that the licensee has suspended payment of its obligations, has made an assignment for the benefit of its creditors, or has admitted in writing its inability to pay its debts as they become due; and

WHEREAS, pursuant to N.J.S.A. 17:15C-8a(1), a foreign money transmitter shall obtain and maintain a security bond, an irrevocable letter of credit, or a similar security device ("security device") acceptable to the Commissioner in an amount prescribed by the Commissioner by regulation of not less than \$25,000 and not more than \$1,000,000. The security device shall be in a form satisfactory to the Commissioner and shall run to the State for the benefit of any person injured by a wrongful act, default, fraud or misrepresentation of the licensee, including its directors, officers, authorized delegates and employees, to secure the faithful performance of the obligations of the licensee with respect to the receipt, handling, transmission, and payment of money in connection with the sale and issuance of payment instruments, transmission of money, or both; and

WHEREAS, pursuant to N.J.S.A. 17:15C-8c, the security device shall remain in effect until cancellation, which may occur only after thirty days' written notice to the Commissioner. Cancellation shall not affect any liability incurred or accrued during that period; and

WHEREAS, pursuant to N.J.S.A. 17:15C-22a, if, after notice and a hearing, the Commissioner finds that a person has violated any provision of the Money Transmitters Act or a rule adopted under the Money Transmitters Act, the Commissioner may order the person to pay the Commissioner a civil penalty in an amount specified by the Commissioner, not to exceed \$5,000 for each violation; and

WHEREAS, on December 16, 2016, the Commissioner issued Order to Show Cause No. E16-017862, alleging that the Respondents violated the Money Transmitters Act as follows:

COUNT ONE

IT FURTHER APPEARING that a New Jersey consumer, A.B., complained to the Department that on or about September 9, 2016, she delivered the sum of \$3,000 to Respondents at the Newark location with instructions to transmit the money to a designated recipient; and

IT FURTHER APPEARING that Respondents accepted the sum of \$3,000 from A.B., issued a receipt, and charged A.B. a fee for the promised service of money transmission; and

IT FURTHER APPEARING that Respondents failed to transmit the sum of \$3,000 to A.B.'s designated recipient and fulfil its payment obligations as required by N.J.S.A. 17:15C-16g; and

IT FURTHER APPEARING that Respondents refused to return the sum of \$3,000 to A.B.; and

IT FURTHER APPEARING that Respondents failed to transmit money on at least 18 other occasions, which are now known to the Department and which are listed in Exhibit A of this Order to Show Cause; and

IT FURTHER APPEARING that Respondents failed to transmit the aggregate amount of \$82,208.00; and

IT FURTHER APPEARING that, at all relevant times, Century Union maintained a security bond in the amount of \$100,000 issued by Platte River Insurance Company running to the Department "for the benefit of any person injured by a wrongful act, default, or misrepresentation" of Century Union, as required by N.J.S.A. 17:15C-8a(1); and

IT FURTHER APPEARING that on October 28, 2016, Platte River Insurance Company sent to the Department a notice of cancellation of the insurance bond effective December 2, 2016, pursuant to a request for cancellation submitted by Century Union; and

IT FURTHER APPEARING that, by misappropriating its customers' money, by failing to pay its obligations, by failing to transmit its customers' money on at least 19 occasions, and by failing to refund these customers their money, Respondents violated N.J.S.A. 17:15C-16b, N.J.S.A. 17:15C-16d, N.J.S.A. 17:15C-16e, and N.J.S.A. 17:15C-16g, and as such Century Union's money transmitter license is subject to revocation and Respondents are jointly subject to civil penalties and other remedies under N.J.S.A. 17:15C-122a; and

IT FURTHER APPEARING that, pursuant to N.J.S.A. 17:15C-22a, each act of failing to transmit customers' money or failing to refund customers with the money constitutes a separate violation of the Act.

WHEREAS, the Order to Show Cause No. E16-017862 referred to 19 occasions on which Respondents failed to transmit money that had been provided to Respondents by consumers, and each of those 19 matters is summarized in the list attached to this Final Order as Exhibit A; and

WHEREAS, on December 16, 2017, the Department served a copy of Order to Show Cause No. E16-017862 by certified and regular mail on Respondents at their last known addresses on file with the Department, as documented in the Certification of DAG Garen Gazaryan, attached to this Final Order as Exhibit B; and

WHEREAS, on May 25, 2017, the Department obtained additional addresses for Respondents and served a copy of Order to Show Cause No. E16-017862 by certified and regular mail on Respondents at these additional addresses, as documented in the Certification of DAG Garen Gazaryan, attached to this Final Order as Exhibit B; and

WHEREAS, Respondent Barboza personally signed for the certified mail sent to him and Respondent Century Union at the additional address, as documented in the Certification of DAG Garen Gazaryan, attached to this Final Order as Exhibit B; and

WHEREAS, Respondents were given notice in writing of the aforesaid charges and an opportunity to contest the charges at a hearing; and

WHEREAS, Respondents have failed to respond to the Commissioner's allegations contained in Order to Show Cause No. E16-017862; and

WHEREAS, pursuant to N.J.S.A. 17:1-15g, the Commissioner may institute the legal proceedings and processes necessary to enforce properly and give effect to any of the Commissioner's powers and duties; and

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

ORDERED, that the foreign money transmitter license of Century Union is hereby **REVOKED**, effective upon the execution of this Final Order; and

IT IS FURTHER ORDERED, that, pursuant to N.J.S.A. 17:15C-22a, Respondents shall be jointly and severally liable for the payment of civil penalties in the amount of \$95,000.00 for 19 violations of the Money Transmitters Act. This amount consists of a civil penalty of \$5,000.00 for each of the 19 violations; specifically, for failing to transmit money to designated recipients or to return money to customers on at least 19 separate occasions, as documented in Exhibit A of this Final Order; and

IT IS FURTHER ORDERED, that, pursuant to N.J.S.A. 17:15C-22a, Respondents shall be jointly and severally liable for the payment of restitution in the amount of \$82,208.00 to the 19 affected consumers, as documented in Exhibit A; and

IT IS FURTHER ORDERED, that, pursuant to N.J.S.A. 17:15C-8a(1), the Commissioner may collect any restitution due from Respondents by exercising any and all rights the Commissioner may have against the security device maintained by Century Union; and

IT IS FURTHER ORDERED, that Respondents shall pay in full the above penalties and restitution totaling \$177,208.00 by remitting payment to the Commissioner of Banking and Insurance, \$\text{State}\$ of New Jersey, 20 West State Street, P.O. Box 040, Trenton, New Jersey 08625, Attention: Paul Giraldi, Chief of Investigations, 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 fines and costs are 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 et seq.; an

IT IS FURTHER ORDERED, that the fines in this Final Order are 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 are 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 as contained in Order to Show

Cause No. E16-017862.

RICHARD J. BADOLATO, COMMISSIONER DEPARTMENT OF BANKING AND INSURANCE

By: Thomas M. Hunt

THOMAS M. HUNT ASSISTANT DIRECTOR OFFICE OF CONSUMER FINANCE

Exhibit AList of Affected Consumers

	NJ Consumer Name	Transaction Date	Amount of Transaction
1	A.B.	9/9/2016	\$3,000.00
2	A.C.C	10/13/2016	\$800.00
3	C.C.T.	8/2/2016	\$1,500.00
4	C.B.	9/3/2016	\$3,500.00
5	D.S.	10/7/2016	\$350.00
6	D.T.C.	10/3/2016	\$1,976.00
7	G.P.S.	9/16/2016	\$12,000.00
8	I.B.O.	9/10/2016	\$1,900.00
9	I.I.M.	8/2/2016	\$3,000.00
10	J.L.O.	9/20/2016	\$1,545.00
11	L.O.	Not known	\$1,600.00
12	M.T.C.	8/31/2016	\$3,000.00
13	M.I.B.	8/15/2016	\$1,000.00
14	M.I.B.	8/15/2016	\$3,000.00
15	M.D.	9/21/2016	\$1,037.00
16	N.T.B.	9/1/2016	\$5,000.00
17	R.O.C.	9/17/2016	\$30,005.00
18	T.M.D.	9/4/2016	\$1,295.00
19	W.P.M	9/23/2016	\$6,700.00

TOTAL

\$82,208.00

Exhibit B

IN	THE	MA	TTER	OF:
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Century Union Services LLC,) _	CERTIFICATION OF DEPUTY
Reference No. 1100793; and)	ATTORNEY GENERAL GAREN
Robes Barboza, NMLS ID 908878)	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 Commissioner of the Department of Banking and Insurance, State of New Jersey, ("Department"), in the above-captioned matter. I make this certification in support of the Final Order in the above-captioned case against Century Union Services LLC ("Century Union") and Robes Barboza ("Barboza").
- 2. On December 16, 2016, the Department issued Order to Show Cause No. E16-017862 against Respondents Century Union and Barboza charging them with violations of the New Jersey Money Transmitters Act, N.J.S.A. 17:15C-1 et seq.
- 3. On December 16, 2016, the Department sent a copy of Order to Show Cause E16-017862 by certified and regular mail to Respondent Century Union at its last known mailing address on file with the Department 107 Wilson Avenue, Newark, New Jersey 07105.
- 4. Both the regular and certified mailings were returned to the Department with the notation "Return to Sender. Unable to Forward" from the Postal Service. (A true and exact copy of the returned mailings is attached as Exhibit 1.)

- 5. Additionally, on December 16, 2016, the Department sent a copy of Order to Show Cause E16-017862 by certified and regular mail to Respondent Century Union's alternative mailing address on file with the Department 597 West Sample Road, Suite B, Pompano Beach, Florida 33060.
- 6. Both the regular and certified mailings were returned to the Department with the notation "Return to Sender. Unable to Forward" from the Postal Service. (A true and exact copy of the returned mailings is attached as Exhibit 2.)
- 7. On December 16, 2016, the Department sent Order to Show Cause E16-017862 by certified and regular mail to Barboza at his last known mailing address on file with the Department 107 Wilson Avenue, Newark, New Jersey 07105.
- 8. Both the regular and certified mailings were returned to the Department with the notation "Return to Sender. Unable to Forward" from the Postal Service. (A true and exact copy of the returned mailings is attached as Exhibit 3.)
- 9. Additionally, on December 16, 2016, the Department sent a copy of Order to Show Cause E16-017862 by certified and regular mail to Barboza's alternative mailing address on file with the Department 597 West Sample Road, Suite B, Pompano Beach, Florida 33060.
- 10. Both the regular and certified mailings were returned to the Department with the notation "Return to Sender. Unable to Forward" from the Postal Service. (A true and exact copy of the returned mailings is attached as Exhibit 4.)
- During the course of the investigation, the Department searched for an updated current address for Respondents and identified potential addresses at 30 Ferry Street, Newark, New Jersey 07105; and 9 Checkerberry Lane, Chelmsford, Massachusetts 01824.

- 12. Additionally, the Department identified Barboza's personal email address Robes.Barboza@outlook.com which he used to communicate with the Department individually and on behalf of Respondent Century Union.
- Union and Barboza with Order to Show Cause No. E16-017862 at Respondents' additional potential addresses and to Barboza's personal email address. Specifically, the cover letter and Order to Show Cause were sent via certified mail, return receipt requested, and regular mail to Respondents' potential addresses at 30 Ferry Street, Newark, New Jersey 07105; and 9 Checkerberry Lane, Chelmsford, Massachusetts 01824; and to Barboza's personal email address at Robes.Barboza@outlook.com.
- 14. The certified mail addressed to Century Union and sent to 30 Ferry Street, Newark, New Jersey 07105 was delivered to the address and signed for by the addressee. (A true and exact copy of the signed return receipt is attached as Exhibit 5.)
- 15. The certified mail addressed to Barboza and sent to 30 Ferry Street, Newark, New Jersey 07105 was delivered to the address and signed for by the addressee. (A true and exact copy of the signed return receipt is attached as Exhibit 6.)
- 16. The certified mailing addressed to Century Union and sent to 9 Checkerberry Lane, Chelmsford, Massachusetts 01824 was delivered to the address and signed for by Barboza on June 3, 2017. (A true and exact copy of the signed return receipt is attached as Exhibit 7.)
- 17. The certified mailing addressed to Barboza and sent to 9 Checkerberry Lane, Chelmsford, Massachusetts 01824 was "Unclaimed," but the regular mail was not returned to my office. (A true and exact copy of the USPS tracking is attached as Exhibit 8.)

18. The email letter to Respondents Century Union and Barboza did not bounce

back. (A true and exact copy of the email letter is attached as Exhibit 9.)

19. Respondents have failed to respond to the Department's allegations contained

in Order to Show Cause No. E16-017862.

20. Pursuant to N.J.S.A. 17:1-15g, the Department may institute the legal

proceedings and processes necessary to enforce properly and give effect to any of the Department's

powers and duties; and

21. The Department has exercised due diligence in the service of the Order to

Show Cause on Respondents Century Union and Barboza.

22. Therefore, service of the Order to Show Cause as described above constitutes

lawful service upon Respondents Century Union and Barboza.

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.

Garen Gazaryan

Deputy Attorney General

Dated: 7/13/17

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TRENTON, N.J. 08625-0040

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Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

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¥ 4 : :	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
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9590 9402 2197 6193 6932 79	3. Service Type □ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mail Restricted Delivery □ Cortified Mail Restricted Delivery □ Collect on Delivery □ Celtivery □ Certified Mail Restricted Delivery □ Registered Mail Restrict Delivery □ Return Receipt for Merchandise
2. Article Number (Transfer from service label)	☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Signature Confirmation ☐ Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION A. Signature Complete items 1, 2, and 3. ☐ Agent Print your name and address on the reverse ☐ Addresser so that we can return the card to you. C. Date of Delivery B. Received by (Printed Name) Attach this card to the back of the mailpiece, or on the front if space permits. D. Is delivery address different from item 1? If YES, enter delivery address below: CENTURY UNION SERVICES, LLC 9 CHECKERBERRY LANE, CHELMSFORD, MA 01824 3. Service Type □ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mail® □ Certified Mail Restricted Delivery

☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

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2. Article Number (Transfer from service label)

Restricted Delivery

☐ Priority Mail Express®

☐ Priority Mail Express®
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USPS Tracking® Results

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT For delivery information, visit our website at www.usps.com*. E Track Another Pac□ Certified Mail Fee 470 Extra Services & Fees (check box, add fee as appropriate) Return Receipt (hardcopy) Postmark Return Receipt (electronic) Certified Mail Restricted Delivery Adult Signature Required Adult Signature Restricted Delivery \$ 0490 L ROBES BARBOZA 9 CHECKERBERRY LANE, CHELMSFORD, MA 01824 for instructions

Tracking Number: 70150640000247050373

Product & Tracking Information

Postal Product:

Features: Certified Mail[™]

DATE & TIME

STATUS OF ITEM

LOCATION

June 29, 2017, 6:26 pm

Arrived at USPS Facility

SHREWSBURY, MA 01546

Your item arrived at our USPS facility in SHREWSBURY, MA 01546 on June 29, 2017 at 6:26 pm. The item is currently in transit to the destination.

CHELMSFORD, MA 01824 Unclaimed/Being Returned to Sender June 23, 2017, 10:24 am CHELMSFORD, MA 01824 Notice Left (No Authorized Recipient Available) June 5, 2017, 12:24 pm Out for Delivery BILLERICA, MA 01821 June 5, 2017, 9:24 am Sorting Complete BILLERICA, MA 01821 June 5, 2017, 9:14 am BILLERICA, MA 01821 June 5, 2017, 8:39 am Arrived at Unit NORTH READING, MA 01889 June 4, 2017, 11:46 pm Departed USPS Facility NORTH READING, MA 01889 June 3, 2017, 8:05 am Arrived at USPS Facility Departed USPS Facility PROVIDENCE, RI 02904 June 2, 2017, 10:10 pm PROVIDENCE, RI 02904 June 2, 2017, 11:19 am Arrived at USPS Facility TRENTON, NJ 08650 May 31, 2017, 8:02 pm Departed USPS Facility TRENTON, NJ 08650 Arrived at USPS Facility May 31, 2017, 6:18 pm

See Less 🔨

Available Actions

Garen Gazaryan

From:

Garen Gazaryan

Sent:

Thursday, May 25, 2017 11:57 AM

To:

'ROBES.BARBOZA@OUTLOOK.COM'

Subject:

Attachments:

In the matter of Century Union Services LLC and Robes Barboza, OTSC No. E16-017862 signed otsc.pdf; Letter enclosing OTSC-Barboza.pdf; Letter enclosing OTSC-Century

Union.pdf

Dear Mr. Barboza:

I represent the New Jersey Department of Banking and Insurance ("Department"). Enclosed, please find Order to Show Cause ("OTSC") No. E16-017862-issued by the Commissioner of the Department on December 16, 2016. Concurrent with this email, I am also mailing you the copy of this OTSC to your and Century Union's last known addresses on file with the Department.

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

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 OTSC, identify any facts of which you have no specific 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 OTSC upon you. The request for hearing should be sent to: Paul Giraldi, Chief of Investigations, Department of Banking and Insurance, P.O. Box 040, Trenton, New Jersey 08625, with a copy to me. 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.

Garen Gazaryan
Deputy Attorney General
Office of the Attorney General - Division of Law
Banking & Insurance Section
P.O. Box 117
Richard J. Hughes Justice Complex
25 Market Street, West Wing - 2nd Floor
Trenton, NJ 08625-0117
Phone: (609)292-6123

Phone: (609)292-612 Fax: (609)777-3503