

NEWTEK BUSINESS SERVICES INC  
Form 8-K  
July 07, 2006

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**  
WASHINGTON, D.C. 20549

FORM 8-K  
**CURRENT REPORT**

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

**July 7, 2006 (July 7, 2006)**

Date of Report (date of Earliest Event Reported)

**NEWTEK BUSINESS SERVICES, INC.**

(Exact Name of Company as Specified in its Charter)

**NEW YORK**  
(State or Other Jurisdiction of  
Incorporation or Organization)

**001-16123**  
(Commission File No.)

**11-3504638**  
(I.R.S. Employer Identification  
No.)

462 Seventh Avenue, 14<sup>th</sup> floor, New York, NY 10018  
(Address of principal executive offices and zip code)

**(212) 356-9500**  
(Company's telephone number, including area code)

NEWTEK CAPITAL, INC.

**(Former name or former address, if changed from last report)**

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- .. Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))



## Forward-Looking Statements

Statements in this Current Report on Form 8-K (including the exhibits), including statements regarding beliefs, expectations, intentions or strategies for the future, may be "forward-looking statements" under the Private Securities Litigation Reform Act of 1995. All forward-looking statements involve a number of risks and uncertainties that could cause actual results to differ materially from the plans, intentions and expectations reflected in or suggested by the forward-looking statements. Such risks and uncertainties include, among others, intensified competition, operating problems and their impact on revenues and profit margins, anticipated future business strategies and financial performance, anticipated future number of customers, business prospects, legislative developments and similar matters. Risk factors, cautionary statements and other conditions which could cause actual results to differ from management's current expectations are contained in filings by Newtek Business Services, Inc. with the Securities and Exchange Commission. Newtek undertakes no obligation to update any forward-looking statement to reflect events or circumstances that may arise after the date of this filing.

### **ITEM 3.01. Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing.**

On July 7, 2006, Newtek Business Services, Inc issued a press release entitled "Newtek Granted Continued Listing By NASDAQ Panel" announcing that the NASDAQ Listing Qualifications Panel (the "Panel") has granted the Company's request for continued listing on the NASDAQ Global Market (formerly the NASDAQ National Market) in a letter dated July 6, 2006. The Panel granted the Company's request for continued listing subject to the requirement that the Company file its Quarterly Report on Form 10-Q for the period ended March 31, 2006 by July 14, 2006. In the event the Company is unable to meet this deadline, there can be no assurance that the Panel will grant an extension or that the Company's securities will remain listed on The NASDAQ Stock Market.

### **ITEM 9.01. Financial Statements and Exhibits.**

(c)

Exhibits

99.1 Press Release dated July 7, 2006, "Newtek Granted Continued Listing By NASDAQ Panel."

**SIGNATURES**

In accordance with the requirements of the Securities Exchange Act of 1934, the registrant has caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

**NEWTEK BUSINESS SERVICES, INC.**

Date: June 22, 2006

By: /s/ Barry Sloane

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Barry Sloane  
Chairman of the Board, Chief Executive Officer,  
Secretary

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**EXHIBIT INDEX**

**EXHIBIT  
NUMBER**

**DESCRIPTION**

99.1 Press Release dated July 7, 2006, "Newtek Granted Continued Listing By NASDAQ Panel."

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