

ASTA FUNDING INC  
Form 8-K  
January 09, 2015

**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**

**Date of Report (Date of earliest event reported): January 5, 2015**

**ASTA FUNDING, INC.**

**(Exact name of registrant as specified in its charter)**

**Delaware**  
**(State or other Jurisdiction**  
  
**of Incorporation)**

**001-35637**  
**(Commission**  
  
**File Number)**

**22-3388607**  
**(IRS Employer**  
  
**Identification No.)**

**210 Sylvan Avenue, Englewood Cliffs, New Jersey**

**07632**

**(Address of Principal Executive Offices)**

**(Zip Code)**

**Registrant's telephone number, including area code: 201-567-5648**

**(Former name or former address if changed since 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:

- .. 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))

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

On January 5, 2015, Asta Funding, Inc. (the Company) received a staff determination letter from the Nasdaq (Nasdaq) stating that the Company was not in compliance with its rules for continued listing, Rule 4310(c)(14), because it has not timely filed its Annual Report on Form 10-K (Form 10-K) for the year ended September 30, 2014. The Nasdaq letter indicated that the Company has 60 days to submit a plan to regain compliance. If such a plan is timely submitted by the Company, the Nasdaq Staff may grant the Company up to 180 calendar days from the due date of the Form 10-K (or June 29, 2015) to regain compliance.

As disclosed in the Company's Form 12b-25, Notification of Late Filing, filed with the Securities and Exchange Commission (the SEC) on December 15, 2014, the Company experienced delays in the collection, compilation and analysis of certain information that may be included in the Form 10-K. As previously reported, the Company has received several comment letters beginning on March 7, 2014 from the SEC, the last dated October 6, 2014, concerning its Form 10-K for the fiscal year ended September 30, 2013. The SEC requested, among other things, information concerning the Company's revenue recognition policy on consumer receivables acquired for liquidation and the Company's application of accounting principles generally accepted in the United States (GAAP) thereon. The Company is in the process of continuing to address the questions raised by the SEC. The Company accounts for its investment in consumer receivables acquired for liquidation under ASC 310-30 - Loans and Debt Securities Acquired with Deteriorated Credit Quality, and believes it has accounted for this investment and the related revenue in accordance with GAAP.

The Company intends to file the Form 10-K with the SEC as soon as possible. If, however, for any reason it is unable to file the Form 10-K on or before March 6, 2015, the Company intends to submit a plan to regain compliance to the Nasdaq Listing Qualifications Department no later than March 6, 2015. No assurance can be given that Nasdaq will grant an exception for the full 180-day period contemplated in the Nasdaq Marketplace Rules, if at all. Under Nasdaq's rules, the Company's common stock will continue to be listed on Nasdaq until March 6, 2015, and for any exception period that may be granted to the Company by the Nasdaq Listing Qualifications Department. However, until the Company regains compliance, quotation information for the Company's common stock will include an indicator of the Company's non-compliance and the Company will be included in a list of non-compliant companies on the Nasdaq website.

On January 8, 2015 the Company received an additional staff determination letter from Nasdaq stating the Company was no longer in compliance with the independent director requirement as set forth in Listing Rule 5605. The independent director vacancy on the Board of Directors of the Company is the result of the passing of Mr. Herman Badillo on December 3, 2014. Consistent with Listing Rule 5605 (b)(1)(A) the Nasdaq provides a cure period in which the Company must evidence compliance no later than June 1, 2015. The Company is actively pursuing a search to fill the independent director vacancy within the cure period.

Except for historical information contained herein, the matters set forth in this Form 8-K may be forward-looking statements (within the meaning of Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Act of 1934, as amended in the Private Securities Litigation Reform Act of 1995.) Although the Company believes the expectations reflected in such forward-looking statements are based upon reasonable assumptions, there can be no assurance that its expectations will be realized. Forward-looking statements involve certain risks and uncertainties that could cause actual results to differ materially from the Company's expectations. Factors that could contribute to such differences include those identified in the Company's Form 10-K for the fiscal year ended September 30, 2013, Form 10-Q for the quarter ended June 30, 2014 and those described from time to time in the Company's other filings with the Securities and Exchange Commission, news releases and other communications.

On January 9, 2015, the Company issued a press release announcing its receipt of the Nasdaq letter. A copy of the Company's press release is attached hereto as Exhibit 99.1 and is incorporated herein by reference.

**Item 9.01 Financial Statements and Exhibits**

(d) Exhibits

99.1 Press Release dated January 9, 2015

**SIGNATURE**

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

**ASTA FUNDING, INC.**

Date: January 9, 2015

By: /s/ Robert J. Michel  
Robert J. Michel  
Chief Financial Officer

**EXHIBIT INDEX**

**Exhibit**

<b>No.</b>	<b>Description</b>
99.1	Press Release dated January 9, 2015