

NEWTEK BUSINESS SERVICES INC

Form 8-K

November 13, 2008

**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**

**November 13, 2008 (November 12, 2008)**

**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.)**

**1440 Broadway, 17<sup>th</sup> floor, New York, NY 10018**

**11-3504638**  
**(I.R.S. Employer**

**Identification No.)**

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(Address of principal executive offices and zip code)

(212) 356-9500

(Company's telephone number, including area code)

(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 Newtek's 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 Newtek's actual results to differ from management's current expectations are contained in Newtek's filings 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 2.02 Results of Operations and Financial Condition**

On October 12 2008, Newtek Business Services, Inc. (the Company) issued a press release entitled Newtek Business Services Reports Third Quarter 2008 Financial Results. A copy of the press release is filed as Exhibit 99.1 to this Form 8-K.

The Company also posted a PowerPoint presentation dated November 12, 2008 on its website referenced in the press release entitled Third Quarter 2008 Financial Results Conference Call. A copy of the PowerPoint presentation is filed as Exhibit 99.2 to this Form 8-K.

This Current Report, including the exhibits attached hereto, is being furnished and shall not be deemed to be filed for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the Exchange Act), or otherwise subject to the liabilities of that section, nor shall it be incorporated by reference into any of the Company's filings under the Securities Act of 1933, as amended, or the Exchange Act, unless expressly set forth as being incorporated by reference into such filing.

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

- (c) Exhibits
- 99.1 Press Release dated November 12, 2008 issued by Newtek Business Services, Inc. entitled Newtek Business Services Reports Third Quarter 2008 Financial Results.
- 99.2 PowerPoint presentation dated November 12, 2008 entitled Third Quarter 2008 Financial Results Conference Call.

**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: November 13, 2008

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

**EXHIBIT INDEX**

**EXHIBIT**

<b>NUMBER</b>	<b>DESCRIPTION</b>
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99.2	PowerPoint presentation dated November 12, 2008 entitled Third Quarter 2008 Financial Results Conference Call.