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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

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<p>COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF BANKING, BUREAU OF COMPLIANCE, INVESTIGATION AND LICENSING</p> <p style="text-align: center;">v.</p> <p>SHADY MAPLE RV, INC.</p>	<p>:</p>	<p>DOCKET No. 10 <u>0293</u> (ENF-CO)</p>
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PA DEPT OF BANKING
0293 (ENF-CO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking (“Department”), Bureau of Compliance, Investigation and Licensing (“Bureau”), has reviewed the business practices of Shady Maple RV, Inc. (“Shady Maple”), and its officers, employees and directors. Based on the results of its review, the Bureau believes that Endurance Autos operated in violation of 69 P.S. § 601 et. seq., the Motor Vehicle Sales Finance Act. The parties to the above captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order (“Order”).

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the Motor Vehicle Sales Finance Act (“MVSFA”).
2. The Bureau is primarily responsible for administering and enforcing the MVSFA for the Department.

3. Shady Maple is a Pennsylvania Business Corporation located at 4536 Division Highway, East Earl, Pennsylvania 17519-9201 ("Principal Place").

4. Marvin R. Weaver is the President and one hundred percent (100%) owner of Shady Maple.

5. The Department conducted an examination ("Examination") of Shady Maple on March 29, 2010 at the Principal Place.

6. During the Examination, the Bureau discovered that Shady Maple entered into installments sales during two separate periods of time while unlicensed by the Department.

First Unlicensed Period

7. The Department licensed Shady Maple as an Installment Seller, license no. 17835 from April 17, 2007 through September 30, 2007.

8. The MVSFA requires anyone engaging in the business of an installment seller of motor vehicles under installment sales contracts to be licensed by the Department. 69 P.S. § 604.

9. The MVSFA requires installment sellers to submit a yearly renewal license application to the Department at least fifteen (15) days prior to October 1 of each year. 69 P.S. § 605.

10. Shady Maple failed to timely submit a license renewal application for license no. 17835 and the Department cancelled License No. 17835 on October 1, 2007. 69 P.S. § 605, 609 P.S. § 607D.

11. On October 29, 2007, Shady Maple submitted a new application for an Installment Seller license ("2007 Application").

12. Based upon representations made by Shady Maple in its 2007 Application, the Department relicensed Shady Maple as an Installment Seller in accordance with the MVFSA under the license no. 18979 on November 7, 2007.

13. During the Examination the Bureau discovered that between October 1, 2007 and November 7, 2007, Shady Maple entered into fourteen (14) installment sales while unlicensed by the Department.

14. Because the Department cancelled license no. 17835, the MVFSA prohibited Shady Maple from engaging in the "business of an installment seller of motor vehicles under installment sales contracts" without first obtaining an installment seller license from the Department. 69 P.S. § 604(1).

Second Unlicensed Period

15. Shady Maple failed to timely submit a license renewal application for license no. 18979 and the Department cancelled License No. 18979 on October 1, 2008. 69 P.S. § 605, 609 P.S. § 607D.

16. On October 15, 2008, Shady Maple submitted a new application for an Installment Seller license ("2008 Application").

17. Based upon representations made by Shady Maple in its 2008 Application, the Department relicensed Shady Maple as an Installment Seller in accordance with the MVFSA under the license no. 18979 on October 22, 2008.

18. During the Examination the Bureau discovered that between October 1, 2007 and October 22, 2008, Shady Maple entered into four (4) installment sales while unlicensed by the Department.

19. Because the Department cancelled license no. 18979, the MVSFA prohibited Shady Maple from engaging in the “business of an installment seller of motor vehicles under installment sales contracts” without first obtaining an installment seller license from the Department. 69 P.S. § 604(1).

Material Misstatements

20. Both the 2007 Application and the 2008 Application contained “Question 8” that required an applicant to answer “yes” or “no” to the question, “Has the applicant as shown in question number one entered into any installment sale contracts prior to applying for an installment seller license?”

21. Shady Maple answered “no” to Question 8 on its 2007 Application and 2008 Application.

22. Because the Examination revealed that Shady Maple did in fact enter into installment sales contracts while unlicensed in 2007 and 2008, Shady Maple’s “no” responses to Question 8 constitute material misstatements in the application for a license.

Authority of the Department

23. The MVSFA grants the Department the authority to issue orders as may be necessary for the enforcement of the MVSFA. 69 P.S. § 637.1.

24. Section 610(A)(1) of the MVSFA provides that the Department may revoke or suspend a license where “[t]he licensee has made any material misstatement in the application for license.” 69 P.S. § 610(A)(1).

25. Section 610(A)(2) of the MVSFA states that the Department may revoke or suspend any license where “[t]he licensee has violated any provision of this act.” 69 P.S. § 610(A)(2).

26. Section 637(D) of the MVSFA provides that “[a]ny person required to be licensed under this act that violates this act or directs a violation or who engages in any activity for which a license could be suspended or revoked under section 10 shall be subject to a civil penalty levied by the department of not more than two thousand dollars (\$2,000) for each offense.” 69 P.S. § 637(D).

VIOLATION

27. Shady Maple is in violation of Section 604(1) of the MVSFA by engaging in the business of an installment seller while unlicensed. 69 P.S. § 604(1).

28. Shady Maple is in violation of Section 610(A)(1) of the MVSFA by making material misstatements on its 2007 Application and 2008 Application for licensure as an installment seller. 69 P.S. § 610(A)(1).

RELIEF

29. Fine. Shady Maple agrees to pay a fine of three thousand six hundred dollars (\$3,600) which shall be due and payable to the Department within thirty (30) days of the Effective Date of this Order. The fine payment shall be remitted by certified check or money order made payable to the “Department of Banking” and sent to the attention of Bureau of Compliance, Investigation and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

30. Corrective Measures. Upon the effective date of the Order:

(A) Shady Maple shall not engage in the business of installment sales if at any time they should become unlicensed.

(B) Shady Maple shall ensure that all statements on future applications to the Department are correct.

FURTHER PROVISIONS

31. Consent. Shady Maple hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the MVSFA and agrees that it understands all of the terms and conditions contained herein. Shady Maple, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

32. Publication and Release. Shady Maple consents to the publication and release of this Order.

33. Consumer Rights. This Order shall not limit or impair a consumer's rights under the MVSFA. 69 P.S. § 635.

34. Entire Agreement. This Order contains the whole agreement between the parties. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Bureau and Shady Maple.

35. Binding Nature. The Department, Shady Maple, and all officers, owners, directors, employees, heirs and assigns of Shady Maple intend to be and are legally bound by the terms of this Order.

36. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

37. Effectiveness. Shady Maple hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

38. Other Enforcement Action.

a. The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against Shady Maple in the future regarding all matters not resolved by this Order.

b. Shady Maple acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

39. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

40. Counterparts. This Order may be executed in separate counterparts, by facsimile, and by PDF.

41. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Department and Shady Maple RV, Inc. intending to be legally bound do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING
BUREAU OF COMPLIANCE, INVESTIGATION
AND LICENSING**

Ryan M. Walsh, Administrator
Bureau of Compliance,
Investigation and Licensing
Department of Banking

Date: December 13, 2010

FOR SHADY MAPLE RV, INC.

(Officer Signature)

(Print Officer Name)

(Title)

Date: 12-7-10