



3. T.G. is engaged in the business of selling automobiles and arranges for the financing of those automobiles.

4. Between January 1, 2006, and August 31, 2010, T.G. entered into eighty-one motor vehicle installment sales contracts.

5. By entering into motor vehicle installment sales contracts, T.G. was engaging in the business of an installment seller without being licensed as an installment seller.

6. T.G. submitted an application for a motor vehicle installment sales license to the Department of Banking on September 28, 2010; that application is currently pending a determination with the Department.

7. Section 4.1 of the MVSFA provides, in relevant part, that no person shall engage or continue to engage in this Commonwealth either as principal, employe, agent or broker “[i]n the business of an installment seller of motor vehicles under installment sale contracts, except as authorized in this act, under license issued by the department. . .” 69 P.S. § 604.1.

8. Section 37.1 of 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.

9. Section 37.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**

10. T.G. violated section 4.1 of the MVSFA when it engaged in the business of an installment seller when it was not licensed. 69 P.S. § 604.1.

## RELIEF

11. Fine. T.G. agrees to pay a fine of \$8,100.00 in 12 installments of \$675.00 with the first installment due on November 1, 2010, and the remaining 11 installments due on the 1<sup>st</sup> of each month starting December 1, 2010 and ending October 1, 2011. Payments shall be remitted by company checks, certified checks or money orders to be made payable to the "Department of Banking" and shall be sent to the attention of the, Licensing Division, Bureau of Compliance, Investigation and Licensing located at Market Square Plaza, 17<sup>th</sup> North Second Street, Suite 1300, Harrisburg, PA 17101.

## FURTHER PROVISIONS

12. Consent. T.G. 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. T.G., 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.

13. Consumer's Rights. This Order shall not limit or impair a consumer's rights under Section 35 of the MVSFA. 69 P.S. § 635.

14. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of the Department of Banking Code. 71 P.S. § 733-302.A.(5).

15. 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 T.G.

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

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

18. Effectiveness. T.G. hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order.

19. 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 T.G. in the future regarding all matters not resolved by this Order.

(b) T.G. 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.

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

21. Counterparts. This Order may be executed in separate counterparts and by facsimile.

22. Titles. The titles used to identify the paragraphs of this document are for 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 T.G. 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

\_\_\_\_\_  
Robert Knaub  
Enforcement Administrator  
Department of Banking

Date: 11/1/10

FOR: T.G. AUTO SALES

(Officer Signature)

Y  
(Printed Officer Name)

X OWNER  
(Title)

Date: X 10/26/10