



3. Cunningham Chrysler was licensed as an Installment Seller, License No. 3770, under the MVSFA.

4. Cunningham Chrysler failed to renew license no. 3770 and thus the license was cancelled on October 1, 2009.

5. Cunningham Chrysler was re-licensed as an Installment Seller, license No. 28824, under the MVSFA on October 28, 2009.

6. Between October 1, 2009, and October 28, 2009, Cunningham Chrysler entered into ten (10) motor vehicle installment sales contracts.

7. By entering into motor vehicle installment sales contracts between October 1, 2009, and October 28, 2009, Cunningham Chrysler engaged in the business of an installment seller without being licensed.

8. 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.

9. Section 37.1 of the MVSEFA grants the Department the authority to issue orders as may be necessary for the enforcement of the MVSFA. 69 P.S. § 637.1.

10. 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

11. Cunningham Chrysler violated Section 4.1 of the MVSFPA by engaging in the business of an installment seller when it was not licensed. 69 P.S. § 604.1.

## RELIEF

12. Fine. Within thirty (30) days of the effective date of this Order as set forth in paragraph 19 below, Cunningham Chrysler shall pay to the Department a fine in the amount of \$1000. Payment shall be remitted by certified check or money order to be made payable to the Department of Banking and shall be sent to the attention of the 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

13. Consent. Cunningham Chrysler hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the MVSFPA, and agrees that it understands all of the terms and conditions contained herein. Cunningham Chrysler, 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.

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

15. 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).

16. 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 Cunningham Chrysler.

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

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

19. Effectiveness. Cunningham Chrysler hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order.

20. 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 Cunningham Chrysler in the future regarding all matters not resolved by this Order.

(b) Cunningham Chrysler 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.

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

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

23. 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 Cunningham Chrysler 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: January 25, 2011

**FOR CUNNINGHAM CHRYSLER OF EDINBORO, INC.**

\_\_\_\_\_  
(Officer Signature)

\_\_\_\_\_  
(Printed Officer Name)

\_\_\_\_\_  
(Title)

Date: 1/23/11