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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

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PA DEPT OF BANKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING, BUREAU
OF COMPLIANCE AND LICENSING

v.

SOUTHERN AUTO FINANCE COMPANY
d/b/a SAFCo

Docket No. 110206 (ENF-CO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Compliance and Licensing ("Bureau"), has reviewed the business practices of Southern Auto Finance Company d/b/a SAFCo ("SAFCo"), and its officers, employees and directors. Based on the results of its review, the Bureau concludes that SAFCo 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.
2. The Bureau is primarily responsible for administering and enforcing the MVSFA for the Department.

3. SAFCo is located at 6700 North Andrews Avenue, Suite 500, Fort Lauderdale, Florida 33309.

4. The Department issued a sales finance company license, license no. 34133, to SAFCo On April 15, 2011.

Unlicensed Period

5. The MVSFA requires anyone engaging in the business of sales finance company to be licensed by the Department. 69 P.S. § 604.

6. The MVSFA defines a sales finance company in part as "a person engaged as principal, agent or broker in the business of financing or soliciting the financing of installment sale contracts made between other parties." 69 P.S. § 603.6.

7. The Department licensed SAFCo as a sales finance company through September 30, 2011.

8. The MVSFA requires sales finance companies 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.

9. SAFCo failed to timely submit a license renewal application for license no. 34133 and the Department cancelled license no. 34133 on October 1, 2011. 69 P.S. § 605, 69 P.S. § 607D.

10. On October 18, 2011, SAFCo submitted a new application ("New Application") for a sales finance company license.

11. SAFCo attached a loan purchase log for five (5) installment contracts to its New Application.

12. SAFCo was not licensed as a sales finance company when it purchased the five (5) installment contracts between the cancellation of the prior license on October 1, 2011 and the approval of the new license on November 7, 2011.

13. Upon receiving and reviewing SAFCo's New Application, the Department granted SAFCo a new sales finance company license, license no. 36183.

14. Because the Department cancelled license no. 34133, the MVSFA prohibited SAFCo from engaging in the business of a sales finance company without first obtaining an installment seller license from the Department. 69 P.S. § 604(2).

Authority of the Department

15. 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.

16. 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).

17. 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

18. SAFCo is in violation of Section 604(1) of the MVSFA by engaging in the business of a sales finance company while unlicensed. 69 P.S. § 604(1).

RELIEF

19. Fine. SAFCo agrees to pay a fine of five hundred dollars (\$500) which shall be due and payable to the Department within thirty (30) days of the Effective Date of this Order as defined in paragraph 27. 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 and Licensing, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

20. Corrective Measures. Upon the Effective Date of the Order, SAFCo shall not engage in the business of a sales finance company if at any time it should become unlicensed.

FURTHER PROVISIONS

21. Consent. SAFCo 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. SAFCo, 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.

22. Publication and Release. SAFCo consents to the publication and release of this Order.

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

24. 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 SAFCo.

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

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

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

28. 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 SAFCo in the future regarding all matters not resolved by this Order.

b. SAFCo 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.

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

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

31. 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 Southern Auto Finance Company d/b/a SAFCo intending to be legally bound do hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING
BUREAU OF COMPLIANCE AND LICENSING

Robert Knaub, Administrator
Bureau of Compliance and Licensing
Department of Banking

Date: 12/27/11

FOR SOUTHERN AUTO FINANCE COMPANY
d/b/a SAFCo

(Officer Signature)

(Print Officer Name)

CEO

(Title)

Date: 12/20/11