

4. Bud's Auto Sales's principal place of business is located at 1120 Beaver Run Road, Beaverdale, Pennsylvania 15921.

5. Bud's Auto Sales was initially licensed by the Department as an installment seller license, license number 2647, but it allowed the license to expire on September 30, 2008.

6. On November 6, 2008, Bud's Auto Sales received a new installment seller license from the Department, installment seller license no. 20254.

7. On June 27, 2011, an examiner from the Department commenced a routine examination of Bud's Auto Sales at the principal place of business.

VIOLATION

Unlicensed Activity

8. During the examination, the examiner found that Bud's Auto Sales entered into 47 installment sale contracts between October 1, 2008 and November 6, 2008, the period when it was not licensed as an installment seller by the Department.

9. 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 sales contracts, except as authorized in this act, under license issued by the department"

See 69 P.S. § 604.1.

10. By engaging in the business of selling motor vehicles under installment sale contracts while not licensed by the Department, Bud's Auto Sales violated Section 4.1 of the MVSFA.

11. Due to Bud's Auto Sales violation of the MVSFA, the Department has the authority to issue an order and impose a "civil penalty" of not more than \$2,000 "for each offense." *See* 69 P.S. §§ 637.D, 637.1.

RELIEF

12. Fine. Within 30 days of the effective date of this Order as defined in Paragraph 20, Bud's Auto Sales shall pay to the Department a fine in the amount of \$4,700. The fine shall be payable by certified check or money order and remitted to the attention of the Bureau of Compliance and Licensing, Pennsylvania Department of Banking, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

13. Corrective Action. Upon the effective date of this Order, Bud's Auto Sales shall not engage in the business of an installment seller in Pennsylvania unless it is licensed by the Department as an installment seller.

FURTHER PROVISIONS

14. Consent. Bud's Auto Sales 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. Bud's Auto Sales, 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.

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

16. 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).

17. 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 Bud's Auto Sales.

18. Binding Nature. The Department, Bud's Auto Sales, and all officers, owners, directors, employees, heirs and assigns of Bud's Auto Sales intend to be and are legally bound by the terms of this Order.

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

20. Effectiveness. Bud's Auto Sales hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order ("Effective Date").

21. 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 Bud's Auto Sales in the future regarding all matters not resolved by this Order.
- b. Bud's Auto Sales 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.

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

23. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic mail in portable document format "PDF."

24. 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 Commonwealth of Pennsylvania, Department of Banking, Bureau of Compliance and Licensing and Bud's Auto Sales 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**

John Talalai, Administrator
Bureau of Compliance and Licensing
Department of Banking

Date: 3-30-2012

FOR BUD'S AUTO SALES

(Officer Signature)

(Print Officer Name)

PARTNER
(Title)

Date: 3-28-12