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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

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COMMONWEALTH OF PENNSYLVANIA	:	PA DEPT OF BANKING
DEPARTMENT OF BANKING, BUREAU OF	:	
COMPLIANCE AND LICENSING	:	
v.	:	DOCKET No. 12 <u>0023</u> (ENF-CO)
CAR SOLUTIONS, LLC	:	
d/b/a CAR SOLUTIONS	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking (“Department”), Bureau of Examinations, has conducted an examination of Car Solutions, LLC d/b/a Car Solutions (“Car Solutions”), and its officers, employees and directors. Based on the results of the examination, the Bureau of Compliance and Licensing (“Bureau”) concluded that Car Solutions operated in violation of the Motor Vehicle Sales Finance Act (“MVSFA”), 69 P.S. § 601 *et seq.* 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 MVSFA.
2. The Bureau is primarily responsible for administering and enforcing the MVSFA for the Department.
3. Car Solutions is a limited liability company that was licensed by the Department to engage in the business of selling motor vehicles to consumers under installment sale contracts.

4. Car Solutions' principal place of business is located at 702 North Croton Avenue, New Castle, Pennsylvania 16101.

5. On October 1, 2008, Car Solutions' motor vehicle installment seller license number 13532 expired.

6. Car Solutions was not licensed again until October 24, 2008 when it received license number 20154.

7. On October 1, 2009, Car Solutions' installment seller license number 20154 expired.

8. Car Solutions was not licensed again until October 29, 2009 when it received license number 28868.

9. On October 5, 2011, an examiner from the Department commenced a routine examination of Car Solutions at its principal place of business.

VIOLATION

10. During the examination, the examiner found that Car Solutions entered into four (4) installment sale contracts between October 1, 2008 and October 24, 2008; and entered into one (1) installment sales contract between October 1, 2009 and October 29, 2009, periods in which Car Solutions no longer maintained an installment seller license with the Department.

11. Section 4.1 of the MVSFA provides, in relevant part:

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. . . ." See 69 P.S. § 604.1.

12. By continuing to engage in the business of an installment seller of motor vehicles under installment sale contracts while not licensed by the Department, Car Solutions violated Section 4.1 of the MVSFA.

13. Due to Car Solutions' violations, 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

14. Fine. Within 30 days of the Effective Date of this Order as defined in paragraph 22, Car Solutions shall a fine in the amount of \$500. The fine shall be paid by certified check or money order directed to the "Department of Banking." The payment shall be mailed or delivered to the attention of the Bureau of Compliance and Licensing, Pennsylvania Department of Banking, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

15. Corrective Action. Car Solutions 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

16. Consent. Car Solutions 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. Car Solutions, 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.

17. Consumer Rights. This Order shall not limit or impair consumers' rights provided by Section 35 of the MVSFA. 69 P.S. § 635.

18. 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).

19. 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 Car Solutions.

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

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

22. Effectiveness. Car Solutions hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order.

23. 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 Car Solutions in the future regarding all matters not resolved by this Order.

b. Car Solutions 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.

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

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

26. 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 Car Solutions, LLC 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 Tatalai, Administrator
Department of Banking
Bureau of Compliance and Licensing

Date: 2-28-2012

FOR CAR SOLUTIONS, LLC d/b/a CAR SOLUTIONS

(Officer Signature)

(Print Officer Name)

(Title)

Date: 2-27-12