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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

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BANKING AND SECURITIES

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

v.

KEPPLER PROPERTIES LLC d/b/a  
KEPPLER AUTO SALES

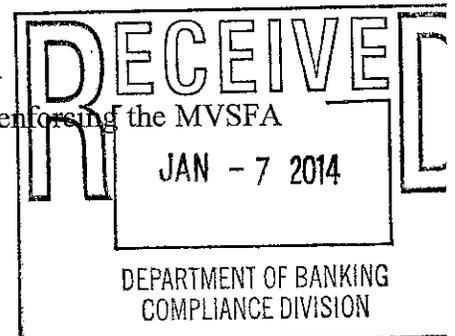
: Docket No. 13 140002 (BNK-CAO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Bureau of Compliance and Licensing ("Bureau"), has reviewed the business practices of Kepple Properties LLC dba Kepple Auto Sales ("Kepple Properties"), and its officers, employees and directors. Based on the results of its review, the Bureau concludes that Kepple Properties 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. Kepple Properties is a Pennsylvania Business Corporation located at 1305 Rich Hwy Dubois, PA 15801-3975.

4. Kepple Properties submitted a new application ("New Application") for an installment seller license to the Department in November of 2013.

5. As part of the application, Kepple Properties attached paperwork showing that Kepple Properties originated three installment sale contracts while unlicensed.

6. Kepple Properties is now licensed as an installment seller license, number 44500.

7. Kepple Properties was not licensed under the MVSFA when it entered into three installment contracts prior to December 6, 2013.

#### **VIOLATION**

8. Section 604(1) of the MVSFA requires anyone engaging in the business of an installment seller of motor vehicles under installment sales contracts to be licensed by the Department. *See* 69 P.S. § 604(1).

9. Kepple Properties violated Section 604(1) of the MVSFA by entering into three installment contracts while unlicensed. *See* 69 P.S. § 604(1).

#### Authority of the Department

10. The MVSFA grants the Department the authority to issue orders as may be necessary for the enforcement of the MVSFA. *See* 69 P.S. § 637.1.

11. Section 637(D) of the MVSFA provides that "[a]ny person required to be licensed under this act that violates this act . . . 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).

## RELIEF

12. Fine. Kepple Properties agrees to pay a fine of \$300. The fine shall be payable to the Department within 30 days of the Effective Date of this Order. The fine payment shall be remitted by certified check or money order made payable to the "Department of Banking and Securities" and sent to the attention of: Bureau of Compliance and Licensing, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

13. Corrective Measures. Upon the Effective Date of the Order, Kepple Properties shall not engage in the business of installment sales while unlicensed.

## FURTHER PROVISIONS

14. Consent. Kepple Properties hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the MVSA and agrees that it understands all of the terms and conditions contained herein. Kepple Properties, 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. Publication and Release. Kepple Properties consents to the publication and release of this Order.

16. Consumer Rights. This Order shall not limit or impair a consumer's rights under the MVSA. *See* 69 P.S. § 635.

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 Kepple Properties.

18. Binding Nature. The Department, Kepple Properties, and all officers, owners, directors, employees, heirs and assigns of Kepple Properties 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. Kepple Properties hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "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 Kepple Properties in the future regarding all matters not resolved by this Order.

b. Kepple Properties 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, by facsimile, and by 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 Department of Banking and Securities and Kepple Properties d/b/a Kepple Auto Sales intending to be legally bound do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF BANKING AND SECURITIES, BUREAU OF COMPLIANCE AND LICENSING**

**FOR KEPPLER PROPERTIES LLC d/b/a KEPPLER AUTO SALES**

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

Date: 1-7-2014

(Officer Signature)

Kenneth A. Kepple  
(Print Officer Name)

Member  
(Title)

Date: 1/2/2014