

FILED

2015 MAR 10 PM 4:03

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

AUTOS FOR ALL LLC

Docket No. 15 0006 (BNK-CAO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Compliance Office ("Office"), has reviewed the business practices of Autos for All LLC, ("Autos for All"), and its officers, employees and directors. Based on the results of its review, the Office concludes that Autos for All operated in violation of the Motor Vehicle Sales Finance Act ("MVSFA"), 69 P.S. § 601 *et seq.*¹ 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 Office is primarily responsible for administering and enforcing the MVSFA for the Department.

¹ Repealed and replaced by the Consumer Credit Code, 12 Pa.C.S. § 6201 *et seq.*, effective November 27, 2014.

3. Autos for All is a business corporation located at 801 4th Ave, Coraopolis, PA 15108-1505.
4. Autos for All maintained a license as an installment seller, license no. 44472, through September 30, 2014.
5. Autos for All failed to timely submit a license renewal application for license no. 44472 by the licensing deadline on October 1, 2014.
6. The Department cancelled license no. 44472 effective October 1, 2014.
7. Autos for All submitted a new application for an installment seller license to the Department on or around November 6, 2014.
8. As part of its new application, Autos for All attached paperwork showing that it originated four installment sale contracts after its license expired.

VIOLATION

9. The MVSFA prohibits Autos for All from engaging "[i]n the business of an installment seller of motor vehicles under installment sales contracts" without an installment seller license from the Department. 69 P.S. § 604(1).
10. The MVSFA requires installment sellers to submit a renewal license application to the Department at least fifteen (15) days prior to October 1 of each year. *See* 69 P.S. § 605.
11. Autos for All violated of the MVSEFA by entering into four installment contracts after it failed to renew its license by October 1, 2014.

Authority of the Department

12. 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.

13. 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

14. Fine. Autos for All agrees to pay a fine of \$400. The fine will be due within thirty (30) days of the Effective Date of the Order as defined in paragraph 22 below. 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: Department of Banking and Securities, Compliance Office, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101-2290.

15. Corrective Measures. Upon the Effective Date of the Order, Autos for All shall not engage in the business of installment sales without a license.

FURTHER PROVISIONS

16. Consent. Autos for All hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Office's order authority under the MVSFA and agrees that it understands all of the terms and conditions contained herein. Autos for All, 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. Publication. The Department will publish this Order pursuant to its authority in Section 302.A(5) of the Department of Banking and Securities Code. See 71 P.S. § 733-302.A(5).

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

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 Office and Autos for All.

20. Binding Nature. The Department, Autos for All, and all officers, owners, directors, employees, heirs and assigns of Autos for All 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. Autos for All hereby stipulates and agrees that the Order shall become effective on the date that the Office executes the Order (the "Effective Date").

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 Autos for All in the future regarding all matters not resolved by this Order.

b. Autos for All 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, by facsimile, and by 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 Department of Banking and Securities and Autos for All LLC intending to be legally bound do hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF BANKING AND SECURITIES, COMPLIANCE OFFICE

FOR AUTOS FOR ALL LLC

Redacted

Redacted

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

(Officer Signature)

Date: 3-10-15

DAVID T. KORMAN
(Print Officer Name)

LLC MANAGER
(Title)

Date: 3/9/2015