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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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COMMONWEALTH OF PENNSYLVANIA	:	PA DEPARTMENT OF
DEPARTMENT OF BANKING AND	:	BANKING AND SECURITIES
SECURITIES, COMPLIANCE OFFICE	:	
	:	
v.	:	Docket No. 16 <u>0018</u> (BNK-CAO)
	:	
TOM MASANO PREMIUM IMPORTS, INC.	:	
	:	

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 Tom Masano Premium Imports, Inc. (“Tom Masano Imports”), and its officers, employees and directors. Based on the results of its review, the Office concludes that Tom Masano Imports operated in violation of the Consumer Credit Code as related to motor vehicle sales finance (“CCC”), 12 Pa.C.S. § 6101 *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 was the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the former Motor Vehicle Sales Finance Act, 69 P.S. § 601 *et seq* (“MVSFA”).

2. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the CCC.

3. The CCC replaced the Motor Vehicle Sales Finance Act (“MVSFA”, 69 P.S. § 601 *et seq*) effective as of November 27, 2014.

4. The Office is primarily responsible for administering and enforcing the CCC for the Department.

5. Tom Masano Imports' principal place of business is located at 1015 Lancaster Ave., Reading, PA 19607-1609.

Unlicensed Period

6. Anyone engaging in the business of an installment seller of motor vehicles under installment sales contracts needs a license issued by the Department. 12 Pa. C.S. § 6211(a)(1).

7. Installment sellers must submit a yearly renewal license application to the Department at least fifteen (15) days prior to October 1 of each year. 12 Pa. C.S. § 6216.

8. The Department licensed Tom Masano Imports as an installment seller, license no. 31062 through September 30, 2015.

9. Tom Masano Imports failed to timely submit a license renewal application by the October 1, 2015 deadline.

10. The Department canceled license no. 31062 effective on October 1, 2015. 12 Pa. C.S. § 6211(b)(2).

11. Tom Masano Imports submitted new installment seller application ("New Application") on or around October 15, 2015.

12. The Department approved Tom Masano Imports' New Application and issued installment seller license no. 53166 on October 20, 2015.

13. During an examination of Tom Masano Imports in December 2015, the Department discovered that Tom Masano Imports entered into twelve (12) installment sale contracts from October 1, 2015 through October 19, 2015.

14. Tom Masano Imports was not licensed to engage in the installment seller business when it entered into twelve (12) installment contracts while unlicensed from October 1, 2015 through October 19, 2015.

15. Because the Department canceled license no. 31062, the CCC prohibited Tom Masano Imports from engaging in the Commonwealth as installment seller without first obtaining an installment seller license from the Department. 12 Pa. C.S. § 6211(a)(2).

Authority of the Department

16. The CCC grants the Department the authority to issue orders as may be necessary for the enforcement of the CCC. 12 Pa. C.S. § 6203(a)(5).

17. Section 6218 of the CCC states that the Department may revoke or suspend any license where the licensee violated a provision of this chapter. 12 Pa. C.S. § 6218(a)(2).

18. Section 6274 of the CCC provides that “[a] person required to be licensed under this chapter that violates this chapter, directs a violation of this chapter or engages in an activity for which a license could be suspended or revoked under section 6218 (relating to revocation or suspension of license) shall be subject to a civil penalty levied by the department of not more than \$2,000 for each offense.” 12 Pa. C.S. § 6274.

VIOLATION

19. Tom Masano Imports violated Section 6211(a) of the CCC when it engaged in the business of an installment seller while unlicensed. 12 Pa. C.S. § 6211(a)(1).

RELIEF

20. Fine. Tom Masano Imports agrees to pay a fine of one thousand two hundred dollars (\$1,200). The fine will be due within thirty (30) days of the Effective Date of the Order as defined in paragraph 28 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.

21. Corrective Action. Upon the Effective Date of this Order, Tom Masano Imports shall not engage in the business of an installment seller in Pennsylvania unless it is licensed.

FURTHER PROVISIONS

22. Consent. Tom Masano Imports hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the CCC and agrees that it understands all of the terms and conditions contained herein. Tom Masano Imports, 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.

23. Consumer's Rights. This Order shall not limit or impair a consumer's rights under CCC. 12 Pa. C.S. § 6236. (69 P.S. § 635).

24. 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).

25. 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 Tom Masano Imports.

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

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

28. Effectiveness. Tom Masano Imports hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order (“Effective Date”).

29. 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 Tom Masano Imports in the future regarding all matters not resolved by this Order.

b. Tom Masano Imports 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.

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

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

32. 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, Compliance Office and Tom Masano Premium Imports, Inc. 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

Redacted

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

Date: 4-5-16



FOR TOM MASANO
PREMIUM IMPORTS, INC.

Redacted

(Officer Signature)

JOHN MASANO
(Print Officer Name)

OWNER
(Title)

Date: 3/31/16