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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, INVESTIGATION AND	:	
LICENSING	:	Docket No. 08 <u>0052</u> (ENF-CO)
	:	
	:	
v.	:	
	:	
BEDFORD RECREATIONAL LLC D/B/A	:	
BEDFORD MOTOR SPORTS	:	

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**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Compliance, Investigation and Licensing ("Bureau") has reviewed the business practices of Bedford Recreational LLC d/b/a Bedford Motor Sports ("Bedford Recreational"), and its officers, employees and directors. Based upon the results of its review, the Department alleges that Bedford Recreational is 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 settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Consent Agreement").

**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 MVSFSA.

3. Bedford Recreational was licensed as an Installment Seller under the MVSFSA, license no. 16763, located at 13949 Lincoln Highway, Everett, Pennsylvania 15537-7426 (“Everett location”).

4. On March 29, 2007, Bedford Recreational cancelled its installment seller’s license and was re-licensed at the following location: 7011 Lincoln Highway, P.O. Box 156, Bedford, Pennsylvania, 15522 (“Bedford location”).

5. On July 3, 2007, an examiner from the Department conducted an examination of the Bedford location.

6. The examination revealed that in April 2007 Bedford Recreational had entered into approximately 6 motor vehicle installment sales finance contracts from the Everett location subsequent to the cancellation of its license at that location.

#### VIOLATIONS

7. Section 4.1 of the MVSFSA provides, in relevant part, that “no person shall engage or continue to engage in this Commonwealth either as principal, employe, agent or broker; 1. In 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 . . . .*” 69 P.S. §604.1 (emphasis added).

8. An installment seller is “a person engaged in the business of selling, hiring or leasing motor vehicles under installment sale contracts or any legal successor in interest to such person.” 69 P.S. § 603.

9. The MVSFSA provides, in relevant part, that only one place of business may be operated under a license issued by the Department and that a licensee shall do business at the address set forth on the license. 69 P.S. § 608.

10. By entering into 6 motor vehicle installment sales finance contracts for the sale of motor vehicles from the Everett location when it was no longer a licensed location, Bedford Recreational violated Section 4.1 of the MVSFSA.

11. Section 37.D of the MVSFSA 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. § 637D.

#### **RELIEF**

12. Fine. Within thirty (30) days of the Effective Date of this Order, Bedford Recreational shall pay to the Department a fine in the amount of \$600. Payment shall be remitted by certified check or money order and made payable to the “Department of Banking” and shall be sent to the Attention of Non-Depository Institutions, Bureau of Compliance, Investigation and Licensing located at Market Square Plaza, 17 North Second Street, Suite 1300, Harrisburg, PA 17101.

#### **FURTHER PROVISIONS**

13. Consent. Bedford Recreational hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau’s order authority under the MVFSA and agrees that it understands all of the terms and conditions contained herein. Bedford Recreational, 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.

14. Publication and Release. Bedford Recreational consents to the publication and release of this Order.

15. Consumers' Rights. This Order shall not limit or impair consumers' rights under Section 35 of the MVSFA. 69 P.S. §635.

16. 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 Bedford Recreational.

17. Binding Nature. The Bureau, Bedford Recreational, and all officers, owners, directors, employees, heirs and assigns of Bedford Recreational intend to be and are legally bound by the terms of this Order.

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

19. Effectiveness. Bedford Recreational hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order ("Effective Date").

20. 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 Bedford Recreational in the future regarding all matters not resolved by this Order.

(b) Bedford Recreational 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.

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

22. Counterparts. This Order may be executed in separate counterparts.

23. 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 Bureau and Bedford Recreational intending to be legally bound do hereby execute this Consent Agreement and Order.

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

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Ryan Walsh, Administrator  
Bureau of Compliance, Investigation and Licensing  
Department of Banking

Date: March 19, 2008

**FOR BEDFORD RECREATIONAL LLC  
D/B/A BEDFORD MOTOR SPORTS**

(Officer Signature)

(Print Officer Name)

Managing Member  
(Title)

Date: 3-12-08