

FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING

2008 SEP -8 AM 11:19

---

COMMONWEALTH OF PENNSYLVANIA	:	Docket No.: 08	PA DEPT OF BANKING
DEPARTMENT OF BANKING, BUREAU	:	0240	(ENF-CO)
OF COMPLIANCE, INVESTIGATION AND	:		
LICENSING	:		
	:		
	:		
v.	:		
	:		
RUTH F. GORI d/b/a	:		
QUALITY USED CARS	:		

---

**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, acting through the Department of Banking (the "Department"), Bureau of Compliance, Investigation and Licensing (the "Bureau"), has reviewed the business practices of Ruth F. Gori d/b/a Quality Used Cars ("Quality Used Cars"), and its officers, employees and directors. Based on the results of its review, the Bureau believes that Quality Used Cars operated in violation of the Motor Vehicle Sales Finance Act (the "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 (the "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. On March 20, 2008, Quality Used Cars entered into a purchase agreement to acquire a dealership from a former licensee located at 516 W Main St, West Newton, PA 15089-1051 (the "West Newton Location").

4. Quality Used Cars failed to submit a new license application as required when Quality Used Cars acquired the dealership.

5. Section 8.B of the MVSFA, provides that "[a] license shall not be transferred or assigned." 69 P.S. § 608.B.

6. Since Quality Used Cars did not submit a new license application when it acquired the dealership, Quality Used Cars was operating as an Installment Seller without being properly licensed.

7. On June 2, 2008, Quality Used Cars applied for a new Installment Seller license to be used for the West Newton Location.

8. Quality Used Cars was approved as an installment seller, license no. 19687, on June 3, 2008.

9. Between March 20, 2008 and June 3, 2008, Quality Used Cars entered into seven (7) installment sale contracts (the "Contracts") with consumers at the West Newton Location when Quality Used Cars was not licensed as an installment seller.

10. By entering into the Contracts, Quality Used Cars was engaging in the business of an installment seller without being properly licensed as an installment seller.

11. Section 4.1 of the MVSFA provides, in relevant part, that "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 sales contracts, except as authorized in this act, under license issued by the Department. . ." 69 P.S. § 604.1.

12. Section 37.1 of the MVSFSA grants the Department the authority to issue orders as may be necessary for the enforcement of the MVSFSA. 69 P.S. § 637.1.

13. Section 37.D of the MVSFSA provides that “[a]ny person required to be licensed under this act that violates this act or directs a violation or who engages in any activity for which a license could be suspended or revoked under section 10 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.

### **VIOLATION**

14. By engaging in the business of an installment seller when it was not properly licensed as an installment seller under the MVSFSA, Quality Used Cars is in violation of Section 4.1 of the MVSFSA. 69 P.S. § 604.1.

### **RELIEF**

15. Fine. Within thirty (30) days of the Effective Date of this Order, Quality Used Cars shall pay to the Department a fine in the amount of \$350.

### **FURTHER PROVISIONS**

16. Consent. Quality Used Cars hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau’s order authority under the MVSFSA and agrees that it understands all of the terms and conditions contained herein. Quality Used Cars, 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 and Release. Quality Used Cars consents to the publication and release of this Order.

18. Consumer's Rights. This Order shall not limit or impair a consumer's rights under Section 35 of the MVSFSA. 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 Bureau and Quality Used Cars.

20. Binding Nature. The Bureau, Quality Used Cars, and all officers, owners, directors, employees, heirs and assigns of Quality Used Cars 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. Quality Used Cars hereby stipulates and agrees that the Order shall become effective on the date that the Bureau 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 Quality Used Cars in the future regarding all matters not resolved by this Order.

(b) Quality Used Cars 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.

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 Bureau and Quality Used Cars 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**

\_\_\_\_\_  
Ryan M. Walsh, Administrator  
Bureau of Compliance, Investigation  
And Licensing  
Department of Banking

Date: September 5, 2008

**FOR RUTH F. GORI d/b/a QUALITY USED CARS**

\_\_\_\_\_  
(Officer Signature)

Ruth F. Gori  
(Print Officer Name)

Owner  
(Title)

Date: 9/4/08