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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING

PA DEPT OF BANKING

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

DOCKET No. 100189 (ENF-CO)

v.

ENDURANCE AUTOS, LLC

**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 Endurance Autos, LLC ("Endurance Autos"), and its officers, employees and directors. Based on the results of its review, the Bureau believes that Endurance Autos operated in violation of 69 P.S. § 601 et. seq., the Motor Vehicle Sales Finance Act. 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 Motor Vehicle Sales Finance Act ("MVSA").

2. The Bureau is primarily responsible for administering and enforcing the MVSA for the Department.

3. The MVSA requires anyone engaging in the business of an installment seller of motor vehicles under installment sales contracts to be licensed by the Department. 69 P.S. § 604.
4. The Department licensed Endurance Autos as an Installment Seller, license no. 20781 through September 30, 2009.
5. The MVSA requires installment sellers to submit a yearly renewal license application to the Department at least fifteen (15) days prior to October 1 of each year. 69 P.S. § 605.
6. Endurance Autos failed to timely submit a license renewal application for license no. 20781 and the Department cancelled License No. 20781 on October 1, 2009. 69 P.S. § 605.
7. On July 20, 2010, Endurance Autos submitted a new application for an Installment Seller license.
8. On August 23, 2010, the Department relicensed Endurance Autos as an Installment Seller in accordance with the MVSA under the license no. 32174.
9. Endurance Autos submitted to the Department copies of contracts it entered into while unlicensed from October 1, 2009 to July 20, 2010.
10. The contracts showed Endurance Autos entered into ten (10) motor vehicle installment sales contracts between October 1, 2009 and July 20, 2010.
11. Because the Department cancelled license no. 20781, the MVSA prohibited Endurance Autos from engaging in the "business of an installment seller of motor vehicles under installment sales contracts" without first obtaining an installment seller license from the Department. 69 P.S. § 604(1).
12. Endurance Autos told the Department it failed to submit the renewal license application by the October 1, 2009 deadline due to a personal situation.

### Authority of the Department

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

14. Section 637(D) of the MVSFA 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**

15. Endurance Autos is in violation of Section 604(1) of the MVSFA by engaging in the business of an installment seller while unlicensed. 69 P.S. § 604(1).

### **RELIEF**

16. Fine. Endurance Autos agrees to pay a fine of one thousand dollars (\$1,000) which shall be due and payable to the Department within thirty (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 sent to the attention of Bureau of Compliance, Investigation and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

17. Corrective Measures. Upon the effective date of the Order, Endurance Autos shall not engage in the business of installment sales if at any time they should become unlicensed.

### **FURTHER PROVISIONS**

18. Consent. Endurance Autos hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the

MVSFA and agrees that it understands all of the terms and conditions contained herein. Endurance Autos, 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.

19. Publication and Release. Endurance Autos consents to the publication and release of this Order.

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

21. 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 Endurance Autos.

22. Binding Nature. The Department, Endurance Autos, and all officers, owners, directors, employees, heirs and assigns of Endurance Autos intend to be and are legally bound by the terms of this Order.

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

24. Effectiveness. Endurance Autos hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

25. 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 Endurance Autos in the future regarding all matters not resolved by this Order.

b. Endurance Autos 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.

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

27. Counterparts. This Order may be executed in separate counterparts, by facsimile, and by PDF.

28. 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 and Endurance Autos, LLC 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 M. Walsh, Administrator  
Bureau of Compliance,  
Investigation and Licensing  
Department of Banking

Date: August 24, 2010

**FOR ENDURANCE AUTOS, LLC**

(Officer Signature)

\_\_\_\_\_  
(Print Officer Name)

General Manager  
(Title)

Date: 8/24/10