

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

3. The MVSFSA requires persons engaging as principal, employee, agent or broker in the business of an installment seller of motor vehicles in Pennsylvania under installment sale contracts to be licensed by the Department. 69 P.S. § 604.1.

4. The Department licensed Tropical Motor Cars as an Installment Seller, License No. 18882 ("Prior License") under the MVSFSA.

5. MVSFSA licenses must be renewed annually. 69 P.S. §605.

6. Annual applications to renew a MVSFSA license must be filed with the Department at least fifteen (15) days prior to October first. 69 P.S. §605.

7. Tropical Motor Cars failed to submit an application to renew its Prior License to the Department by October 1, 2009, therefore the Prior License expired.

8. If a licensee fails to submit its annual application to renew a MVSFSA license, that license expires on October first of that year. 69 P.S. §607(D).

9. After independently realizing its Prior License had expired, Tropical Motor Cars reapplied for an Installment Seller license on or about December 21, 2009.

10. Tropical Motor Cars disclosed on its application that its license had expired and that between October 2, 2009 and January 5, 2010, Tropical Motor Cars entered into fourteen (14) motor installment sales contracts ("Sales Contracts").

11. Tropical Motor Cars engaged in installment sales without a license when it entered in installment sales contracts from October 2, 2009 and January 5, 2010 in violation of 69 P.S. §604.1.

12. The Department granted Tropical Motor Cars a new MVSF A Installment Seller license on January 10, 2010.

Authority of the Department

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

14. Section 637(D) of the MVSF A 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. Tropical Motor Cars is in violation of Section 604(1) of the MVSF A by engaging in the business of an installment seller while unlicensed. 69 P.S. § 604(1).

RELIEF

16. Fine. Tropical Motor Cars agrees to pay a fine of one thousand four hundred dollars (\$1,400) 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 shall be sent to the attention of the 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, Tropical Motor Cars shall not engage in the business of installment sales if at any time they should become unlicensed.

FURTHER PROVISIONS

18. Consent. Tropical Motor Cars hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the MVSFPA and agrees that it understands all of the terms and conditions contained herein. Tropical Motor 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.

19. Publication and Release. 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).

20. Consumer Rights. This Order shall not limit or impair a consumer's rights under the MVSFPA. 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 Tropical Motor Cars.

22. Binding Nature. The Department, Tropical Motor Cars, and all officers, owners, directors, employees, heirs and assigns of Tropical Motor Cars 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. Tropical Motor Cars hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order ("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 Tropical Motor Cars in the future regarding all matters not resolved by this Order.

b. Tropical Motor 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.

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 Tropical Motor 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: May 24, 2010

FOR WESTFALL ENTERPRISES, INC. d/b/a TROPICAL MOTOR CARS

(Officer Signature)

(Print Officer Name)

PRESIDENT
(Title)

Date: 5-24-2010