

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

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

PA DEPT OF BANKING

v.

Docket No. 11 0187 (ENF-CO)

MICK MOTORS, LLC

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Compliance and Licensing ("Bureau"), has reviewed the business practices of Mick Motors, LLC ("Mick Motors"), and its officers, employees and directors. Based on the results of its review, the Bureau concludes that Mick Motors 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 ("MVSFA").

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

3. Mick Motors is a Pennsylvania Business Corporation located at Star Route 191, P.O. Box 480, Cresco, Pennsylvania 18326-0480.

Unlicensed Period

4. The MVSFSA 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.

5. The Department licensed Mick Motors as an Installment Seller, license no. 32654 through September 30, 2011.

6. The MVSFSA 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.

7. Mick Motors failed to timely submit a license renewal application for license no. 32654 and the Department cancelled license no. 32654 on October 1, 2011. 69 P.S. § 605, 69 P.S. § 607D.

8. On October 18, 2011, Mick Motors submitted a new application ("New Application") for an installment seller license.

9. Mick Motors attached paperwork for one (1) installment contract to its New Application.

10. Mick Motors was not licensed to enter into installment contracts when it entered into the installment contract between October 1, 2011 and October 17, 2011.

11. Upon receiving and reviewing Mick Motors' New Application, the Department granted Mick Motors a new installment seller license, license no. 35983.

12. Because the Department cancelled license no. 32654, the MVSFSA prohibited Mick Motors 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).

Authority of the Department

13. 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.

14. Section 610(A)(2) of the MVSFSA states that the Department may revoke or suspend any license where “[t]he licensee has violated any provision of this act.” 69 P.S. § 610(A)(2).

15. Section 637(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

16. Mick Motors is in violation of Section 604(1) of the MVSFSA by engaging in the business of an installment seller while unlicensed. 69 P.S. § 604(1).

RELIEF

17. Fine. Mick Motors agrees to pay a fine of one hundred dollars (\$100) which shall be due and payable to the Department within thirty (30) days of the Effective Date of this Order as defined in paragraph 25. 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 and Licensing, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

18. Corrective Measures. Upon the Effective Date of the Order, Mick Motors shall not engage in the business of installment sales if at any time it should become unlicensed.

FURTHER PROVISIONS

19. Consent. Mick Motors 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. Mick Motors, 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.

20. Publication and Release. Mick Motors consents to the publication and release of this Order.

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

22. 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 Mick Motors.

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

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

25. Effectiveness. Mick Motors hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

26. 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 Mick Motors in the future regarding all matters not resolved by this Order.

b. Mick Motors 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.

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

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

29. 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 Mick Motors, 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 AND LICENSING**

Robert Knaub, Administrator
Bureau of Compliance and Licensing
Department of Banking

Date: 12/6/11

FOR MICK MOTORS, LLC

(Officer Signature)

(Print Officer Name)

Owner
(Title)

Date: 12-1-11