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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

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PA DEPT OF BANKING

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

v.

C. HARPER FORD, INC.  
d/b/a C. HARPER KIA

DOCKET No. 12 0092 (ENF-CO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"),<sup>1</sup> Bureau of Non-Depository Examinations, has conducted a routine examination of C. Harper Ford, Inc. d/b/a C. Harper Kia ("C. Harper Ford") and its officers, employees and directors. Based on the results of the examination, the Bureau of Compliance and Licensing ("Bureau") concluded that C. Harper Ford operated 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, and without admission of wrongdoing, 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 MVSFA.

<sup>1</sup> Pursuant to Act 86 of 2012, the Pennsylvania Department of Banking and the Pennsylvania Securities Commission merged operations, effective October 1, 2012. No changes were made to the Motor Vehicle Sales Finance Act or the Department's enforcement powers as a result of this merger.

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

3. C. Harper Ford is a Pennsylvania business corporation located at 100 Harper Drive, PO Box 838, Belle Vernon, PA 15012.

4. C. Harper Ford is licensed as an installment seller, license no. 6370.

5. On August 21, 2012, an examiner from the Department commenced a routine examination of C. Harper Ford at its principal place of business.

### VIOLATION

6. Section 10.A.14 of the MVSFA provides, in relevant part, that “[t]he department, . . . may revoke or suspend any license if it finds that the licensee has engaged in unfair, deceptive, fraudulent or illegal practices or conduct in connection with any business regulated under this act...”. 69 P.S. § 610.A.14 *et seq.*

7. Altering information upon which credit worthiness is based is a deceptive act, and offense for which the penalty of license suspension or revocation can be imposed pursuant to Section 10.A.14 of the MVSFA. *See* 69 P.S. § 610.A.14.

8. The Department’s examiner found that in two (2) instances, prior to submission to the lender, consumers’ credit applications were altered by changes to the gross income amount, which is critical to a determination of credit worthiness.

9. By altering the gross monthly salary amounts on consumers’ credit applications, C. Harper Ford violated Section 10.A.14 of the MVSFA.

10. Under the MVSFA, the Department has the authority to issue an order and impose a civil penalty of not more than \$2,000 for each offense. *See* 69 P.S. §§ 637.D, 637.1.

## RELIEF

11. Fine. Within 30 days of the effective date of this Order as defined in paragraph 18, C. Harper Ford shall pay a fine in the amount of \$1,000.00. The fine shall be paid within thirty days by certified check or money order directed to the "Department of Banking and Securities." The payment shall be mailed or delivered to the attention of John Talalai, Administrator, Bureau of Compliance and Licensing, Pennsylvania Department of Banking and Securities, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

12. Corrective Action. Neither C. Harper Ford, not any of its owners, officers, or employees shall engage in the business of an installment seller in Pennsylvania in a deceptive manner.

## FURTHER PROVISIONS

13. Consent. C. Harper Ford 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. C. Harper Ford, 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. Consumer Rights. This Order shall not limit or impair consumers' rights provided by Section 35 of the MVSFA. *See* 69 P.S. § 635.

15. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of The Department of Banking and Securities Code. *See* 71 P.S. § 733-302.A.(5).

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 C. Harper Ford.

17. Binding Nature. The Department, C. Harper Ford, and all officers, owners, directors, employees, heirs and assigns of C. Harper Ford 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. C. Harper Ford hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order.

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 C. Harper Ford in the future regarding all matters not resolved by this Order.

b. C. Harper Ford 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 and by facsimile or electronic mail in portable document format known as "PDF."

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 Commonwealth of Pennsylvania, Department of Banking and Securities, Bureau of Compliance and Licensing, C. Harper Ford, Inc., intending to be legally bound, does hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH  
OF PENNSYLVANIA DEPARTMENT  
OF BANKING AND SECURITIES  
BUREAU OF COMPLIANCE AND  
LICENSING

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John Talalai, Administrator  
Department of Banking and Securities  
Bureau of Compliance and Licensing

Date: 11-1-2012

FOR C. HARPER FORD, INC.  
d/b/a C. HARPER KIA

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

CASEY H HARPER  
(Print Officer Name)

PRESIDENT  
(Title)

Date: OCT 25, 2012