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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING

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PA DEPT OF BANKING

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

v.

DAVIES FORD, INC.

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: DOCKET No. 120058 (ENF-CO)  
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CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Examinations, has conducted an examination of Davies Ford, Inc. ("Davies Ford"), and its officers, employees and directors. Based on the results of the examination, the Bureau of Compliance and Licensing ("Bureau") concluded that Davies 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, 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.
2. The Bureau is primarily responsible for administering and enforcing the MVSFA for the Department.
3. Davies Ford's principal place of business is located at RR 119 Box North 2551 Memorial Boulevard, P.O. Box 1052, Connellsville, Pennsylvania 15425.

4. Davies Ford is a corporation that engages in the business of selling motor vehicles to consumers under installment sale contracts.

5. On September 9, 2009, Davies Ford's installment seller license, license number 3350, with the Department expired because it did not renew the license.

6. Davies Ford did not apply for and receive another installment seller license from the Department until December 1, 2009, license number 29501.

7. On March 11, 2011, an examiner from the Department commenced a routine examination of Davies Ford at its principal place of business.

#### VIOLATION

8. During the examination, the examiner found that Davies Ford entered into 87 installment sale contracts between October 1, 2009 and December 1, 2009, the period in which Davies Ford no longer maintained an installment seller license with the Department.

9. Section 4.1 of the MVSFA provides, in relevant part:

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 sale contracts, except as authorized in this act, under license issued by the department. . . .”

*See* 69 P.S. § 604.1.

10. By continuing to engage in the business of an installment seller of motor vehicles under installment sale contracts while not licensed by the Department, Davies Ford violated Section 4.1 of the MVSFA.

11. Due to Davies Ford's violation, 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

12. Fine. Within 30 days of the Effective Date of this Order as defined in Paragraph 20, Davies Ford shall a fine in the amount of \$8,700. The fine shall be paid by certified check or money order directed to the "Department of Banking." The payment shall be mailed or delivered to the attention of the Bureau of Compliance and Licensing, Pennsylvania Department of Banking, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

13. Corrective Action. Davies Ford shall not engage in the business of an installment seller in Pennsylvania unless it is licensed by the Department as an installment seller.

## FURTHER PROVISIONS

14. Consent. Davies 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. Davies 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.

15. Consumer Rights. This Order shall not limit or impair consumers' rights provided by Section 35 of the MVSFA. 69 P.S. § 635.

16. Publication. 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).

17. 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 Davies Ford.

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

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

20. Effectiveness. Davies Ford hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order (“Effective Date”).

21. 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 Davies Ford in the future regarding all matters not resolved by this Order.

b. Davies 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.

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

23. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic mail in portable document format known as “PDF.”

24. 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, Bureau of Compliance and Licensing and Davies Ford, Inc. 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**

John Tatalai, Administrator  
Department of Banking  
Bureau of Compliance and Licensing

Date: 6/18/2012

**FOR DAVIES FORD, INC.**

(Officer Signature)

(Print Officer Name)

Vice-President  
(Title)

Date: \_\_\_\_\_