

3. Rainbow Honda is a Pennsylvania Business Corporation located at 3153 National Pike, Richeyville, Pennsylvania 15358.

Unlicensed Period

4. The MVSFA 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 Rainbow Honda as an Installment Seller, license no. 15782 through September 30, 2011.

6. The MVSFA 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. Rainbow Honda failed to timely submit a license renewal application for license no. 15782 and the Department cancelled license no. 15782 on October 1, 2011. 69 P.S. § 605, 69 P.S. § 607D.

8. On March 2, 2012, Rainbow Honda submitted a new application (“New Application”) for an installment seller license.

9. Rainbow Honda attached paperwork for ninety-nine (99) installment contracts to its New Application.

10. Rainbow Honda was not licensed to enter into installment contracts when it entered into the two installment contracts between the cancellation of the prior license on October 1, 2011 and the submission of the New Application.

11. Because the Department cancelled license no. 15782, the MVSFA prohibited Rainbow Honda 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

12. 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.

13. Section 610(A)(2) of the MVSFA 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).

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. Rainbow Honda 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. Rainbow Honda agrees to pay a fine of nine thousand nine hundred dollars (\$9,900) which shall be payable to the Department in twelve monthly payments of eight hundred twenty-five dollars (\$825). The first payment shall be due on May 1, 2012. The remaining payment shall be made on the first of each month thereafter until the final payment is made on April 1, 2013. 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.

17. Corrective Measures. Rainbow Honda shall not engage in the business of installment sales if at any time it should become unlicensed.

FURTHER PROVISIONS

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

22. Binding Nature. The Department, Rainbow Honda, and all officers, owners, directors, employees, heirs and assigns of Rainbow Honda 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. Rainbow Honda 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 Rainbow Honda in the future regarding all matters not resolved by this Order.

b. Rainbow Honda 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 The Diversity Management Group, LLC d/b/a Rainbow Honda 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: 4/3/12

**FOR THE DIVERSITY MANAGEMENT GROUP, LLC
d/b/a RAINBOW HONDA**

(Officer Signature)

(Print Officer Name)

PRESIDENT
(Title)

Date: 3/29/12