

3. Waheeb is a corporation that engages in the business of selling motor vehicles to Pennsylvania consumers through installment sale contracts.

4. Waheeb's principal place of business is located at 815 Hanover Avenue, Allentown, Pennsylvania 18109.

5. Waheeb was initially licensed by the Department as an installment seller, installment seller license no. 13071, but it allowed the license to expire on September 30, 2009 because it failed to timely submit a license renewal application. *See* 69 P.S. § 605E (requiring all applications for renewal licenses to be filed at least fifteen days prior to October first, annually).

6. Waheeb applied for a new installment seller license which the Department issued on October 31, 2009, installment seller license no. 28912.

7. On or about March 7, 2011, an examiner from the Department commenced a routine examination of Waheeb at its principal place of business.

VIOLATION

Unlicensed Activity

8. During the examination, the examiner found that Waheeb entered into ten installment sale contracts between October 1, 2009 and October 31, 2009, the period when it was not licensed as an installment seller by the Department.

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

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 sales contracts, except as authorized in this act, under license issued by the department

See 69 P.S. § 604.1.

10. By engaging in the business of selling motor vehicles under installment sale contracts while not licensed by the Department, Waheeb violated Section 4.1 of the MVSFA.

11. Due to Waheeb's violation of the MVSFA, the Department has the authority to issue an order and impose a "civil penalty" of not more than two thousand dollars "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, Waheeb shall pay to the Department a fine in the amount of \$1,000. The fine shall be payable by certified check or money order and remitted 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. Waheeb 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. Waheeb 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. Waheeb, 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's Rights. This Order shall not limit or impair a consumer's rights under 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 Waheeb.

18. Binding Nature. The Department, Waheeb, and all officers, owners, directors, employees, heirs, and assigns of Waheeb 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 legal opportunity for legal advice from legal counsel.

20. Effectiveness. Waheeb 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 Waheeb in the future regarding all matters not resolved by this Order.
- b. Waheeb 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 "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 Waheeb, Inc. d/b/a A.W. Auto Sales & Services 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**

Lucy Cortez, Enforcement Administrator
Bureau of Compliance and Licensing
Department of Banking

Date: 4/6/12

FOR WAHEEB, INC. d/b/a A.W. AUTO SALES & SERVICES

(Officer/Signature)

(Print Officer Name)

president
(Title)