

4. The Company is not licensed as an installment seller under the MVSFA.

VIOLATION

5. On July 17, 2013, the Company sold four motor vehicles in Pennsylvania under installment sale contracts.

6. Section 3.4 of the MVSFA defines an "installment seller" as "a person engaged in the business of selling, hiring or leasing motor vehicles under installment sale contracts or any legal successor in interest to such person." 69 P.S. § 603.4.

7. Section 4.1 of the MVSFA states, 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. . . ." 69 P.S. § 604.1.

8. By selling motor vehicles under installment sale contracts, and thereby acting as an installment seller of motor vehicles, while not licensed by the Department, the Company violated Section 4.1 of the MVSFA.

9. As a result of the Company's violations, 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

10. Fine. Within thirty days (30) of the Effective Date of this Order as defined below in paragraph 19, the Company agrees to pay the Department a fine in the amount of four hundred dollars (\$400). The payment shall be remitted by certified check or money order made payable to the Pennsylvania Department of Banking and Securities, and sent to the attention of: Pennsylvania Department of Banking and Securities, Non-Depository Institutions, Bureau of Compliance and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

11. Corrective Action. The Company shall not engage in the business of an installment seller in Pennsylvania unless it is licensed by the Department as an installment seller.

12. The Company shall not charge any interest or finance charge on the four installment contracts which the Company entered into while not licensed as an installment seller under the MVSFA.

FURTHER PROVISIONS

13. Consent. The Company 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. The Company, 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 the Company.

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

b. The Company 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 and Auction Direct USA Pittsburgh, LLC intending to be legally bound, do hereby execute this Consent Agreement and Order.

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

James Keiser, Administrator
Department of Banking and Securities
Bureau of Compliance and Licensing

Date: August 1, 2013

FOR AUCTION DIRECT USA PITTSBURGH, LLC

(Officer Signature)

John Iannone

(Print Officer Name)

CEO

(Title)

Date: 7/30/13