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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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DEPARTMENT OF BANKING AND SECURITIES

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

v.

B & B OF HONESDALE, CORP. d/b/a
B & B CHRYSLER DODGE JEEP RAM

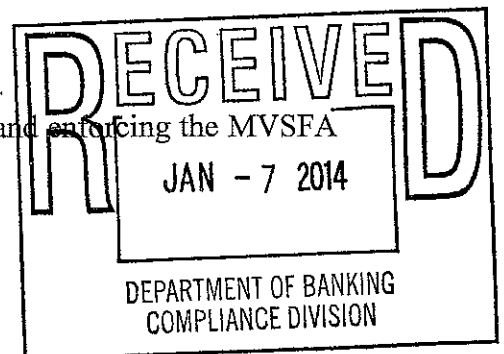
Docket No. 13740003 (BNK-CAO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Bureau of Compliance and Licensing ("Bureau"), has reviewed the business practices of B & B of Honesdale, Corp., d/b/a B & B Chrysler Dodge Jeep Ram ("B & B of Honesdale"), and its officers, employees and directors. Based on the results of its review, the Bureau concludes that B & B of Honesdale 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. B & B of Honesdale is a Pennsylvania Business Corporation located at 125 Grandview Avenue, Honesdale, PA 18431.

4. B & B of Honesdale changed its name with the Pennsylvania Department of State from B & B Dodge, Inc. in September of 2013.

5. The Department licensed B & B of Honesdale as an installment seller, license no. 0109, under the name B & B Dodge, Inc., through September 30, 2013.

6. B & B of Honesdale failed to timely submit a license renewal application for license no. 0109.

7. The Department cancelled license no. 0109 on October 1, 2013.

8. B & B of Honesdale submitted a new application for an installment seller license to the Department in November of 2013 and was granted a license.

9. As part of the application, B & B of Honesdale attached paperwork showing that it originated seventeen installment sale contracts between September 30 and November 20, 2013.

VIOLATION

10. The MVSFA prohibits B & B of Honesdale from engaging “[i]n the “business of an installment seller of motor vehicles under installment sales contracts” without an installment seller license from the Department. 69 P.S. § 604(1).

11. The MVSA 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. *See* 69 P.S. § 605.

12. B & B of Honesdale violated of Section 604(1) of the MVSFA by entering into installment contracts between September 30, 2013 and November 20, 2013 when it was not licensed after it failed to renew its license by October 1, 2013.

Authority of the Department

13. 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.

14. Section 637(D) of the MVSFA provides that “[a]ny person required to be licensed under this act that violates this act . . . 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).

RELIEF

15. Fine. B & B of Honesdale agrees to pay a fine of \$1,700. The fine shall be remitted in three monthly payments the first payment will be seven hundred dollars (\$700) and is due within thirty (30) days of the Effective Date as defined below, with the remaining two monthly payments of five hundred dollars (\$500) due accordingly. The fine payments shall be remitted by certified check or money order made payable to the “Department of Banking and Securities” and sent to the attention of: Bureau of Compliance and Licensing, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

16. Corrective Measures. Upon the Effective Date of the Order, B & B of Honesdale shall not engage in the business of installment sales while unlicensed.

FURTHER PROVISIONS

17. Consent. B & B of Honesdale 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. B & B of Honesdale, 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.

18. Publication and Release. B & B of Honesdale consents to the publication and release of this Order.

19. Consumer Rights. This Order shall not limit or impair a consumer's rights under the MVSFA. *See* 69 P.S. § 635.

20. 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 B & B of Honesdale.

21. Binding Nature. The Department, B & B of Honesdale, and all officers, owners, directors, employees, heirs and assigns of B & B of Honesdale intend to be and are legally bound by the terms of this Order.

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

23. Effectiveness. B & B of Honesdale hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

24. 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 B & B of Honesdale in the future regarding all matters not resolved by this Order.

b. B & B of Honesdale 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.

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

26. Counterparts. This Order may be executed in separate counterparts, by facsimile, and by PDF.

27. 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 of Banking and Securities and B & B of Honesdale d/b/a B & B Chrysler Dodge Jeep Ram intending to be legally bound do hereby execute this Consent Agreement and Order.

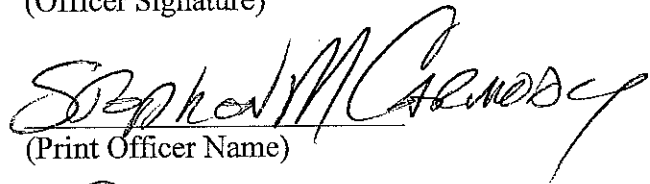
FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF BANKING AND SECURITIES, BUREAU OF COMPLIANCE AND LICENSING

FOR B & B OF HONESDALE, CORP. d/b/a B & B CHRYSLER DODGE JEEP RAM

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

Date: 1-7-2014

(Officer Signature)


(Print Officer Name)

Secy.
(Title)

Date: 1-3-14