

3. Shawn Funk d/b/a Deluxe Classic Recovery ("Deluxe Classic Recovery") was licensed as a collector-repossessor, pursuant to the MVSFSA, under the name of Deluxe Classic Recovery since January 24, 2008 until the present.

4. Deluxe Classic Recovery currently maintains collector-repossessor license number 20065.

5. Deluxe Classic Recovery has a listed address of record of Route 309, P.O. Box 42, Schnecksyville, PA 18018.

6. Deluxe Classic Recovery is registered with the Department of State as a sole proprietorship.

7. Shawn P. Funk ("Mr. Funk") is listed as the owner on all information submitted to the Department.

EXAMINATION HISTORY

8. In April 2014, an examiner from the Department attempted to schedule a routine compliance examination at his residence where the business records are located.

9. Mr. Funk expressed concern that the examiner may not be an employee of the Department as represented, and initially refused to allow the examination to be scheduled.

10. Mr. Funk later contacted the Bureau of Examinations and stated that he is prepared to allow the examination.

11. Upon review of Deluxe Classic Recovery's records at the Department, the Bureau found that Mr. Funk responded to the 2010 request to schedule an examination in a similar manner.

12. After a month long delay, the 2010 exam was successfully conducted.

MISSTATEMENTS

13. A review of the application and renewal history for Deluxe Classic Recovery revealed that multiple misstatements were provided.

14. All applications and renewals were attested to by Mr. Funk as owner of Deluxe Classic Recovery.

15. Mr. Funk contends that the misstatements were unintentional and that he was not intending to deceive the Department.

AUTHORITY

16. The Department is empowered to investigate, at any time, the business and affairs and examine the books, accounts, papers, records, documents and files of every licensee and of every person who shall be engaged in business contemplated by the act. For this purpose the department shall have free access to the offices and places of business, books, accounts, papers, records, documents and files of all such persons. 69 P.S. § 611.A.

17. The Department may suspend or revoke the license of any licensee if it refuses or has refused to permit the department to make examinations authorized by the act. 69 P.S. § 610.A.5.

18. The Department may suspend or revoke the license of any licensee if it has made any material misstatement in the application for license 69 P.S. § 610.A.1.

RELIEF

19. Corrective Action. Within ten (10) days of the Effective Date of this Order, Deluxe Classic Recovery agrees to surrender collector-repossessor license number 20065.

20. Mr. Funk agrees that he will not submit an application to be an owner or officer of a business regulated under the MVSEFA prior to January 1, 2017.

21. Mr. Funk shall not be prohibited from applying to be registered as an employee of a licensed collector-repossessor provided that the licensed collector-repossessor is not owned or operated by a member of Mr. Funk's immediate family. Such application will be subject to standard Department review.

22. Mr. Funk agrees and acknowledges that this Order is binding upon all his employees and that they may no longer collect or repossess motor vehicles financed under the MVSFA on his behalf.

FURTHER PROVISIONS

23. Consent. Deluxe Classic Recovery 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 therein. Deluxe Classic Recovery, 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.

24. 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).

25. 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 Deluxe Classic Recovery.

26. Binding Nature. The Department and Deluxe Classic Recovery intend to be and are legally bound by the terms of this Order.

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

28. Effectiveness. Deluxe Classic Recovery hereby stipulates and agrees that the Order shall become effective on the date the Bureau executes the Order.

29. 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 Shawn P. Funk, in the future regarding all matters not resolved by this Order.

b. Deluxe Classic Recovery 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.

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

31. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic mail in portable document format "PDF."

32. 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 Deluxe Classic Recovery, 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**

Redacted

Rebecca Doane
Acting Deputy Secretary for Non-Depository Institutions
Pennsylvania Department of Banking and Securities

Date: 7/3/2014

FOR SHAWN P. FUNK D/B/A DELUXE CLASSIC RECOVERY

Redacted

(Signature)

SP. Funk

(Print Name)

Date: 07/03/2014