

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES 2017 FEB -8 PM 1:12

COMMONWEALTH OF PENNSYLVANIA	:	PA DEPARTMENT OF
DEPARTMENT OF BANKING AND	:	BANKING AND SECURITIES
SECURITIES, COMPLIANCE OFFICE	:	
	:	
v.	:	Docket No. 17 <u>0001</u> (BNK-CAO)
	:	
KEY FUNDING, LLC	:	
	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Compliance Office ("Office"), has reviewed the business practices of Key Funding, LLC, and its officers, employees and directors. Based on the results of its review, the Office concludes that Key Funding, LLC operated in violation of the Consumer Credit Code as related to motor vehicle sales finance ("CCC"), 12 Pa.C.S. § 6101 *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 CCC.
2. The Office is primarily responsible for administering and enforcing the CCC for the Department.
3. Key Funding, LLC's principal place of business is located at 2340 Hartford Road, York, 17402-0204.

Unlicensed Period

4. Anyone engaging in the business of purchasing motor vehicle installment sale contracts needs to be licensed by the Department as a sales finance company. 12 Pa. C.S. § 6211(a)(2).
5. Licensed sales finance companies must submit a yearly license renewal application to the Department at least fifteen (15) days prior to October 1 of each year. 12 Pa. C.S. § 6216.
6. The Department licensed Key Funding, LLC as a sales finance company, license no. 45621, through September 30, 2015.
7. Key Funding, LLC failed to timely submit a license renewal applications by the October 1, 2015 deadline.
8. The Department canceled license no. 45621 effective on October 1, 2015. 12 Pa. C.S. § 6211(b)(2).
9. Key Funding, LLC submitted a new sales finance company license application (“New Application”) on or around January 6, 2017.
10. During a review of the New Application, Key Funding, LLC disclosed that it was taking assignment and servicing installment sale contracts from October 1, 2015 to present.
11. Key Funding, LLC was not licensed to engage in the motor vehicle sales finance company business when it took assignment and serviced the installment contracts.
12. Because the Department canceled license no. 45621, the CCC prohibited Key Funding, LLC from engaging in the Commonwealth as a sales finance company without first obtaining a sales finance company license from the Department. 12 Pa. C.S. § 6211(a)(1).

Authority of the Department

13. The CCC grants the Department the authority to issue orders as may be necessary for the enforcement of the CCC. 12 Pa. C.S. § 6203(a)(5).

14. Section 6274 of the CCC provides that “[a] person required to be licensed under this chapter that violates this chapter, directs a violation of this chapter or engages in an activity for which a license could be suspended or revoked under section 6218 (relating to revocation or suspension of license) shall be subject to a civil penalty levied by the department of not more than \$2,000 for each offense.” 12 Pa. C.S. § 6274.

VIOLATION

15. Key Funding, LLC violated Section 6211(a) of the CCC when it engaged in the business of a sales finance company while unlicensed. 12 Pa. C.S. § 6211(a)(1).

RELIEF

16. Fine. Key Funding, LLC agrees to pay a fine of \$9,500. Payment is due within thirty (30) days of the Effective Date of the Order as defined in paragraph 24 below. The fine payment shall be remitted by certified check or money order made payable to the “Department of Banking and Securities” and sent to the attention of: Department of Banking and Securities, Compliance Office, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101-2290.

FURTHER PROVISIONS

17. Consent. Key Funding, LLC hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau’s order authority under the CCC and agrees that it understands all of the terms and conditions contained herein. Key Funding, LLC, 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. Consumer’s Rights. This Order shall not limit or impair a consumer’s rights under CCC. 12 Pa. C.S. § 6236. (69 P.S. § 635).

19. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of the Department of Banking and Securities Code. 71 P.S. § 733-302.A.(5).

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 Key Funding, LLC.

21. Binding Nature. The Department, Key Funding, LLC, and all officers, owners, directors, employees, heirs and assigns of Key Funding, LLC 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. Key Funding, LLC hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order ("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 Key Funding, LLC in the future regarding all matters not resolved by this Order.

b. Key Funding, LLC 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 and by facsimile or electronic mail in portable document format "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, Compliance Office and Key Funding, LLC intending to be legally bound do hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF BANKING AND SECURITIES, COMPLIANCE OFFICE

FOR KEY FUNDING, LLC

Redacted
James Keiser, Administrator
Compliance Office
Department of Banking and Securities

Redacted
(Officer Signature)

RANDALL N MYERS
(Print Officer Name)

Date: February 8, 2017

MANAGING MEMBER
(Title)

Date: 2/6/17

