

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

DAN SPRANKLE'S AUTO OUTLET, LLC

PA DEPARTMENT OF
BANKING AND SECURITIES

Docket No. 17 0029 (BNK-CAO)

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 Dan Sprankle's Auto Outlet, LLC ("Dan Sprankle's Auto"), and its officers, employees and directors. Based on the results of its review, the Office concludes that Dan Sprankle's Auto operated in violation of Chapter 62 of the Consumer Credit Code ("CCC"), 12 Pa.C.S. § 6201 *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. Dan Sprankle's is licensed as an Installment Seller # 12434 under the CCC.
4. Dan Sprankle's Auto's Principle Place of Business is located at 677 Hayes St. Tyrone, PA 16686-8576.

5. On March 13, 2017, an examiner from the Department commenced a routine examination of Dan Sprankle's Auto at its principal place of business.

Incidental Product Disclosure

6. During the examination, the examiner found that Dan Sprankle's Auto was not consistently issuing an "incidental products disclosure" on all required contracts. 12 Pa.C.S. § 6221(e)(2).

7. During an examination on July 22, 2013, the examiner found that Dan Sprankle's Auto was not issuing incidental products disclosure's on all required contracts.

8. The Department issued a letter on September 9, 2013 outlining the examiners findings on July 22, 2013.

9. Dan Sprankle's Auto acknowledged the finding.

Authority of the Department

10. 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).

11. Section 6218 of the CCC states that the Department may revoke or suspend any license where the licensee violated a provision of this chapter. 12 Pa.C.S. § 6218(a)(2).

12. 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

13. Dan Sprankle's Auto violated Section 6221(e)(2) of the CCC when it did not issue an incidental products disclosure on all required contracts. 12 Pa.C.S. § 6221(e)(2).

RELIEF

14. Fine. Dan Sprankle's Auto agrees to pay a fine of five hundred dollars (\$500). Payment is due within thirty (30) days of the Effective Date of the Order as defined in paragraph 22 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.

15. Corrective Action. Upon the Effective Date of this Order, Dan Sprankle's Auto shall issue incidental product disclosures on all required contracts.

FURTHER PROVISIONS

16. Consent. Dan Sprankle's Auto hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Departments's order authority under the CCC and agrees that it understands all of the terms and conditions contained herein. Dan Sprankle's Auto, 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.

17. 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.)

18. 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).

19. 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 Office and Dan Sprankle's Auto.

20. Binding Nature. The Department, Dan Sprankle's Auto, and all officers, owners, directors, employees, heirs and assigns of Dan Sprankle's Auto intend to be and are legally bound by the terms of this Order.

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

22. Effectiveness. Dan Sprankle's Auto hereby stipulates and agrees that the Order shall become effective on the date that the Office executes this Order ("Effective Date").

23. 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 Dan Sprankle's Auto in the future regarding all matters not resolved by this Order.

b. Dan Sprankle's Auto 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.

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

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

26. 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 Dan Sprankle's Auto Outlet, 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 DAN SPRANKLE'S AUTO OUTLET, LLC

Redacted _____

Redacted _____
(Officer Signature)

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

DANIEL H Sprankle
(Print Officer Name)

Date: 6/6/2017

president
(Title)

Date: 5-24-17

