

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

FILED

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

HARBOLD'S GARAGE & TRAILER
SALES, INC.

Docket No. 17 0032 (BNK-CAO)

PA DEPARTMENT OF
BANKING AND SECURITIES

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 Harbold’s Garage & Trailer Sales, Inc. (“Harbold’s”), and its officers, employees and directors. Based on the results of its review, the Office concludes that Harbold’s 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. Harbold’s is licensed as an Installment Seller # 11343 under the CCC.
4. Harbold’s Principle Place of Business is located at 4803 Carlisle Road Dover, PA 17315-3050.

5. On March 23, 2017, an examiner from the Department commenced a routine examination of Harbold's at its principal place of business.

Office of Foreign Asset Control

6. During the examination, the examiner found that Harbold's was not consistently screening consumers' names against the Office of Foreign Assets Control "OFAC" list as required by 31 CFR 500

7. During an examination on June 5, 2013, the examiner found that Harbold's was not screening consumers' names against the Office of Foreign Assets Control "OFAC" list.

8. The Department issued a letter on August 21, 2013 outlining the examiners finding's on June 5, 2013.

9. By not complying with 31 CFR 500, Harbold's was in violation of 12 Pa.C.S. § 6218(13)

10. Harbold's acknowledged the finding.

Privacy Notice Disclosure

11. During the examination, the examiner found that Harbold's was not providing privacy notice disclosures to consumers as required by 15 U.S.C. § 6803.

12. During an examination on June 5, 2013, the examiner found that Harbold's was not providing privacy notice disclosures to consumers.

13. The Department issued a letter on August 21, 2013 outlining the examiner's findings on June 5, 2013. 15 U.S.C. § 6803

14. By not complying with 31 CFR 500, Harbold's was in violation of 12 Pa.C.S. § 6218(13).

15. Harbold's acknowledged the finding.

Authority of the Department

16. 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).

17 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).

18. 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.

VIOLATIONS

19. Harbold’s violated Section 6218(13) of the CCC when it failed to screen consumers against the Office of Foreign Assets Control list. 12 Pa.C.S. § 6218(13).

20. Harbold’s violated Section 6218(13) of the CCC when it failed to provide privacy notice disclosures to consumers. 12 Pa.C.S. § 6218(13)

RELIEF

21 Fine. Harbold’s 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 29 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

22. Corrective Action. Upon the Effective Date of this Order, Harbold’s shall screen consumers against the Office of Foreign Assets Control list and issue a separate privacy notice disclosure to consumers.

FURTHER PROVISIONS

23. Consent. Harbold's hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Department's order authority under the CCC and agrees that it understands all of the terms and conditions contained herein. Harbold's, 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. 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.)

25. 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).

26. 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 Harbold's

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

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

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

30. 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 Harbold's in the future regarding all matters not resolved by this Order.

b Harbold's 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.

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

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

33 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 Harbold's Garage & Trailer Sales, Inc. 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 HARBOLD'S GARAGE & TRAILER
SALES, INC.**

Redacted

Redacted
(Officer Signature)

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

KATHLEEN R. STEFANOWICZ
(Print Officer Name)

Date: 6/15/17

OWNER
(Title)

Date: 6/13/17

