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COMMONWEALTH OF PENNSYLVANIA 2017 JUL -6 PM 1:29
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

J & K AUTOMOTIVE LLC

Docket No. : 17 0039 (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 J&K Automotive Automotive LLC (“J&K Automotive”), and its officers, employees and directors. Based on the results of its review, the Office concludes that J&K Automotive operated in violation of the Consumer Credit Code (“CCC”) as related to motor vehicle sales finance, 12 Pa.C.S. § 6101 *et seq.* The parties to the above-captioned matter, in lieu of litigation, hereby stipulate 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 CCC replaced the Motor Vehicle Sales Finance Act (“MVSFA”, 69 P.S. § 601 *et seq*) effective as of November 27, 2014.
3. J&K Automotive’s principal place of business is located at 680 S. Richland Ave., York, PA 17403-3446.

Unlicensed Period

4. Anyone engaging in the business of an installment seller of motor vehicles under installment sales contracts needs a license issued by the Department. 12 Pa.C.S. § 6211(a)(1).
5. Installment sellers must submit a yearly renewal license 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 J&K Automotive as an installment seller, license no. 56873, through September 30, 2016.
7. J&K Automotive failed to timely submit a license renewal application by the October 1, 2016 deadline.
8. The Department canceled license no. 56873 effective on October 1, 2016. 12 Pa.C.S. § 6211(b)(2).
9. J&K Automotive submitted a new installment seller application (“New Application”) on or around June 8, 2017.
10. The Department has not approved J&K Automotive’s Application as of the date of this order.
11. During a review of the application, the Department discovered that J&K Automotive entered into installment sale contracts from October 1, 2016 to present.
12. Because the Department canceled license no. 56873, the CCC prohibited J&K Automotive from engaging in the Commonwealth as an installment seller without first obtaining new installment seller 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 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).

15. 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

16. J&K Automotive violated Section 6221(a) of the CCC when it engaged in the business of an installment seller while unlicensed. 12 Pa.C.S. § 6211(a)(1).

RELIEF

17. Fine. J&K Automotive agrees to pay a fine of ten thousand seven hundred and fifty dollars (\$10,750). The first payment of seven hundred and fifty dollars (\$750) is due within thirty (30) days of the Effective Date of the Order as defined in paragraph 25 below. The remaining ten payments of one thousand dollars (\$1,000) each shall be due and payable every thirty (30) days thereafter until the fine is paid in full. 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: Department of Banking and Securities, Compliance Office, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290.

18. Corrective Action. Upon the Effective Date of the Order, J&K Automotive shall not engage in the business of an installment seller in Pennsylvania unless it is licensed.

FURTHER PROVISIONS

19. Consent. J&K Automotive 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. J&K Automotive, 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.

20. Consumer's Rights. This Order shall not limit or impair a consumer's rights under the CCC. 12 Pa.C.S. § 6236. (69 P.S. § 635.)

21. 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).

22. 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 J&K Automotive.

23. Binding Nature. The Department, J&K Automotive, and all officers, owners, directors, employees, heirs and assigns of J&K Automotive intend to be and are legally bound by the terms of this Order.

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

25. Effectiveness. J&K Automotive hereby stipulates and agrees that the Order shall become effective on the date that the Office executes this Order ("Effective Date").

26. 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 J&K Automotive in the future regarding all matters not resolved by this Order.

b. J&K Automotive 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.

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

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

29. 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 J&K Automotive 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**

Redacted

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

Date: 7/6/2017



FOR J&K AUTOMOTIVE LLC

Redacted

(Officer Signature)

Harvey Dancy III Pres
(Print Officer Name)

Pres
(Title)

Date: 7/5/17