

FILED

2017 DEC -4 PM 12: 54

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

Docket No. : 17 0072 (BNK-CAO)

COLLECTOR CAR LENDING

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 Collector Car Lending ("Collector Car"), and its officers, employees and directors. Based on the results of its review, the Office concludes that Collector Car operated in violation of Chapter 62 of the Consumer Credit Code ("CCC") as related to motor vehicle sales finance, 12 Pa. C.S. § 6201 *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 Office is primarily responsible for administering and enforcing the CCC for the Department.
3. Collector Car's principal place of business is located at 3306 SW 26th Ave #301, Ocala, Florida 34471.

Unlicensed Activity

4. Anyone engaging in the business of a Sales Finance company of motor vehicles under installment sales contracts needs a license issued by the Department, 12 Pa. C.S. § 6211(a)(2).

5. The definition of "sales finance company" as found in Section 6202 of the CCC reads in relevant part:

"Sales finance company."

(1) A person engaged as principal, agent or broker in the business of financing or soliciting the financing of an installment sale contract made between other parties.

(2) The term includes the following:

(i) A person in the business of acquiring, investing in or lending money or credit on the security of an installment sale contract or any interest in the contract, whether by discount, purchase or assignment of the contract, or otherwise.

(ii) An installment seller, whether or not licensed under this chapter, who finances an installment sale contract for another seller or a sales finance company.

(3) The term excludes a person to the extent that the person is exempt under section 6229(e) (relating to transfer).

12 Pa. C.S. § 6202.

6. Beginning in March 2013, Collector Car was brokering installment contracts between other parties.

7. By acting as a broker of installment sale contracts between other parties, Collector Car was acting as a sales finance company as defined in Section 6202 of the CCC.

8. Collector Car is not, and was not, licensed as a sales finance company under the CCC.

9. The CCC prohibits Collector Car 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)(2).

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 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

12. The Offices alleges that Collector Car violated Section 6211(a)(2) of the CCC when it engaged in the business of a sales finance company while unlicensed. 12 Pa. C.S. § 6211(a)(2).

RELIEF

13. Fine: Collector Car agrees to pay a fine of one thousand dollars (\$1,000). Payment is due within thirty (30) days of the Effective Date of the Order as defined in paragraph 21 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. Second Street, Suite 1300, Harrisburg, PA 17101-2290.

14. Corrective Action: Upon the Effective Date of the Order, Collector Car shall not engage in the business of a Sales Finance company in Pennsylvania unless it is licensed as such.

FURTHER PROVISIONS

15. Consent. Collector Car 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. Collector Car, 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.

16. 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.)

17. 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).

18. 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 Collector Car.

19. Binding Nature. The Department, Collector Car, and all officers, owners, directors, employees, heirs and assigns of Collector Car intend to be and are legally bound by the terms of this Order.

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

21. Effectiveness. Collector Car hereby stipulates and agrees that the Order shall become effective on the date that the Office executes this Order ("Effective Date").

22. 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 Collector Car in the future regarding all matters not resolved by this Order.

b. Collector Car 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.

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

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

25. 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 Collector Car Lending 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**

John Tafalai, Administrator
Compliance Office
Department of Banking and Securities

Date: 12/14/17



FOR COLLECTOR CAR LENDING

(Officer Signature)

Andy Acunna
(Print Officer Name)

OWNER
(Title)

Date: 12/11/17