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PA DEPARTMENT OF  
BANKING AND SECURITIES

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND  
SECURITIES, COMPLIANCE OFFICE

v.

Docket No.: 18002 (BNK-CAO)

ENDLESS MOUNTAIN DEVELOPMENT  
CO INC

**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 Endless Mountain Development Co Inc. ("Endless Mountain") and its officers, employees, and directors. Based on the results of its review, the Office concludes that Endless Mountain 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. Endless Mountain's principal place of business is located at 52 Pear Blossom Lane Rome, PA 18837.
3. Endless Mountain was licensed as an Installment Seller, license number 60386, until that license expired on October 1, 2017.

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. Endless Mountain submitted a new installment seller license application ("Application") on or around December 6, 2017.

6. The Department has approved Endless Mountain's Application as of December 18, 2017.

7. During a review of the Application, the Department discovered that Endless Mountain entered into installment sale contracts while not licensed as an installment seller from October 1, 2017 to December 6, 2017.

8. The CCC prohibits Endless Mountain from engaging in the Commonwealth as an installment seller without first obtaining an installment seller license from the Department. 12 Pa. C.S. § 6211(a)(1).

Authority of the Department

9. 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(d)(5).

10. 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).

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. Endless Mountain 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

13. Fine. Endless Mountain agrees to pay a fine of two hundred and fifty dollars (\$250). Payment is due within thirty (30) days of the Effective Date of the Order as defined in paragraph 20 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.

## FURTHER PROVISIONS

14. Consent. Endless Mountain 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. Endless Mountain, 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.

15. 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.)

16. 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).

17. 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 Endless Mountain.

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

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

20. Effectiveness. Endless Mountain hereby stipulates and agrees that the Order shall become effective on the date that the Office executes this Order ("Effective Date").

21. 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 Endless Mountain in the future regarding all matters not resolved by this Order.
- b. Endless Mountain 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.

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

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

24. 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 Endless Mountain Development Co 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 ENDLESS MOUNTAIN DEVELOPMENT CO INC

Redacted

Redacted

John Takalai, Administrator  
Compliance Office  
Department of Banking and Securities

(Officer Signature)

*ERIC MOISE*

(Print Officer Name)

Date: 1/11/18

*5090 OWNER*

(Title)

Date: 1/11/18

