

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

FILED

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COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING AND :
SECURITIES, COMPLIANCE OFFICE :

PA DEPARTMENT OF
BANKING AND SECURITIES

v. :

Docket No.: 18 0045 (BNK-CAO)

UNITED AUTO CREDIT CORPORATION :
:

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 United Auto Credit Corporation (“United Auto”), and its officers, employees and directors. Based on the results of its review, it is the Office’s position that United Auto operated in violation of the Consumer Credit Code (“CCC”) as related to motor vehicle sales finance, 12 Pa. C.S. § 6101 *et seq.* United Auto, without admitting wrongdoing, in lieu of litigation and for purposes of settlement of the above-captioned matter, hereby stipulate the following statements are true and correct summaries of the allegations 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. United Auto is licensed as a Sales Finance Company # 10396 under the CCC.
3. United Auto’s principal place of business is located at 1071 Camelback, Suite 100 Newport Beach, CA 92660.

Activity with an Unlicensed Sales Finance Company

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 Office alleges United Auto sold installment contracts to an unlicensed Sales Finance Company.
6. Section 6229(b) of the CCC states, “A sales finance company licensed under this chapter may not sell, transfer or assign the obligation represented by an installment sale contract executed in this Commonwealth, which it has lawfully acquired, to a person in this Commonwealth or elsewhere unless the person is licensed as a sales finance company under this chapter.” 12 Pa. C.S. § 6229(b)
7. By selling installment sale contracts to an unlicensed sales finance company, the Office alleges United Auto was acting in violation of Section 6229(b) of the CCC.

Authority of the Department

8. 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).
9. 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

10. The Office alleges United Auto violated Section 6229(b) of the CCC when it sold installment sale contracts to an unlicensed Sales Finance Company. 12 Pa. C.S. § 6229(b).

RELIEF

11. Fine. United Auto agrees to pay a fine of two thousand dollars (\$2,000). 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.

12. Corrective Action. Upon the Effective Date of the Order, United Auto shall not sell or assign motor vehicle sales finance contracts to any unlicensed Sales Finance companies in Pennsylvania.

13. Other. United Auto agrees to verify that any Installment Sellers or Sales Finance companies with whom United Auto does business are licensed as appropriate under the CCC.

FURTHER PROVISIONS

14. Consent. United Auto 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. United 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.

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 Department and United Auto.

18. Binding Nature. The Department, United Auto, and all officers, owners, directors, employees, heirs and assigns of United Auto 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. United Auto 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 United Auto in the future regarding all matters not resolved by this Order.
- b. United 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.

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 United Auto Credit Corporation 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 UNITED AUTO CREDIT
CORPORATION

Redacted

John Valala, Administrator
Compliance Office
Department of Banking and Securities

Date: 6-14-2018

Redacted

(Officer Signature)

Bruce E. Newmark
(Print Officer Name)

COO
(Title)

Date: 6/7/2018

