

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

APR -1 AM 9:15

COMMONWEALTH OF PENNSYLVANIA :	
DEPARTMENT OF BANKING AND :	
SECURITIES, COMPLIANCE OFFICE :	
v. :	DOCKET NO. 19 <u>0031</u> (BNK-ORD)
AC AUTOPAY LLC :	

PA DEPARTMENT OF BANKING AND SECURITIES

NOTICE TO ANSWER AND REQUEST A HEARING

You, AC AUTOPAY LLC, have the right to challenge the attached Order ("Order") by filing an Answer, in writing, with the Docket Clerk **within 30 days** of the date of this Order as required by 1 Pa. Code § 35.37. **If you do not file an Answer within 30 days, then you will waive your right to a hearing and the Banking and Securities Commission ("Commission") may enter a final order against you.**

Your Answer must be in writing. Your Answer must specifically admit or deny the allegations in the Order, set forth the facts you rely upon and state concisely the law you rely upon. General denials of the allegations set forth in the Order are not sufficient; you must support your denials with specific facts. Failure to support your denials with specific facts may case the Commission to deem the facts in the Order as admitted and to enter a final order against you, without a hearing.

The Answer and any other documents relating to this matter must be filed with the Docket Clerk:

Linnea Freeberg, Docket Clerk
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101

Further, you must serve a copy of the Answer and any other documents on the person who signed the attached Order by providing a copy to their counsel set forth below:

Office of Chief Counsel
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101

Once you file your Answer, you will be notified of pertinent information such as the name of the presiding officer designated by the Commission to hear this matter and, if a hearing is scheduled, the date, time and location of the hearing. You have the right to be represented by an attorney.

All procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa. C.S. §§501-508, 701-704, and the General Rules of Administrative Practices and Procedures, 1 Pa. Code §§31.1-35.251.

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v. :

DOCKET NO. 19 0031 (BNK-ORD)

AC AUTOPAY LLC :

ORDER

1. The Department of Banking and Securities (“Department”) is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the Consumer Discount Company Act, 7 P.S. § 6201 *et seq.* (“CDCA”).

2. The Compliance Office is primarily responsible for administering and enforcing the CDCA for the Department.

3. AC AUTOPAY LLC (“AC AUTOPAY”) is currently licensed as a Consumer Discount Company, license no. 52588.

4. AC AUTOPAY maintains its principal place of business at 1147 Broadway, Suite 100, Denver, CO 80203.

BACKGROUND

5. The CDCA at 7 P.S. § 6210 imposes certain requirements on consumer discount company licensees like AC AUTOPAY.

6. The CDCA states in pertinent part as follows: “Licensee operating under the provisions of this act shall annually, on or before the first day of March, file a report with the Secretary of Banking, giving such relevant information concerning the business and operations during the previous calendar year as the Secretary of Banking may require. Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking. A separate report shall be filed for each place of business maintained by a licensee. The Secretary of Banking may at any time upon thirty (30) days’ notice require

a licensee to file special reports in addition to the annual report. For failure to file such reports within the time specified, the licensee shall pay to the Secretary of Banking a penalty of ten dollars (\$10) for each calendar day which such report is overdue, but the Secretary of Banking may, in his discretion, relieve a licensee of any portion or of all such fine. Such fine, which has not been paid by the licensee and for the payment of which the licensee has not been relieved, may be collected by the Secretary of Banking from the bonding company which has executed the bond required under this act, and the Secretary of Banking may maintain an action for the recovery of such fine in any court of competent jurisdiction.” 7 P.S. § 6210.

7. The Department determined that each consumer discount company licensee was required to complete an Annual Report for the previous calendar year of 2018 through the Department’s Banking Online Application System by March 1, 2019.

8. AC AUTOPAY provided Redacted as an email address for use by the Department to receive notifications. The Department provided the annual report notification to AC AUTOPAY at that address on November 19, 2018.

9. The Department sent annual report reminders by email to AC AUTOPAY on January 3, 2019, January 18, 2019, February 1, 2019, February 15, 2019 and ending with the last reminder being sent on February 25, 2019.

10. AC AUTOPAY did not complete its Annual Report for the calendar year of 2018 by the deadline of March 1, 2019.

11. By email dated March 5, 2019, the Department notified AC AUTOPAY that its Annual Report was past due and that it was incurring a \$10 per day fine until its Annual Report was filed.

12. AC AUTOPAY filed the Annual Report by the end of the day on March 7, 2019.

13. AC AUTOPAY filed the Annual Report 6 days after the due date of March 1, 2019.

VIOLATION

14. By not filing the Annual Report when it was due, AC AUTOPAY violated the CDCA at 7 P.S. § 6210.

AUTHORITY

15. The Department has the authority to issue orders to enforce the CDCA. 7 P.S. § 6212.

16. Section 6210 of the CDCA authorizes the Department to impose a fine of \$10 for each calendar day after the due date that the Annual Report is filed.

AND NOW THEREFORE, because AC AUTOPAY has failed to timely file the Annual Report for the calendar year of 2018, the Compliance Office, pursuant to its authority referenced above, hereby imposes the following Order.

17. Pursuant to the Department’s authority in 7 P.S. § 6210 of the CDCA, AC AUTOPAY is hereby fined \$60 (sixty dollars), which is payable within 30 days of the date of this order.

18. Payment shall be made by ACH or wire transfer, or if ACH or wire transfer is unavailable, by certified check or money order made payable to the “Department of Banking and Securities” and mailed or delivered in person, to the attention of: Department of Banking and Securities, Compliance Office, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

19. Failure to pay the fine within 30 days may result in additional enforcement action, including, but not limited to, the suspension, revocation or refusal to renew AC AUTOPAY’s license.

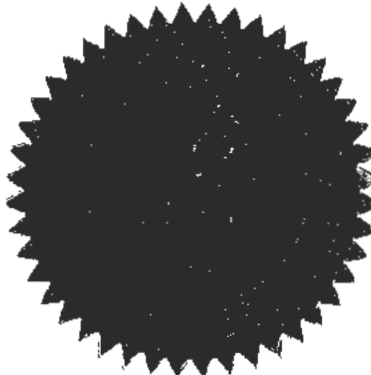
20. Nothing in this Order shall prevent the Compliance Office from taking any further administrative actions as deemed necessary.

IT IS SO ORDERED.

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities

March 29, 2019
(Date)



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: Docket No.: 19 0031 (BNK-ORD)

v. :

AC AUTOPAY, LLC :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Order to Pay Fine** upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §§ 33.35 and 33.36:

BY CERTIFIED AND FIRST CLASS MAIL:

AC Autopay, LLC
1147 Broadway, Suite 100
Denver, CO 80203

Dated:

4/11/19

Redacted

Eileen Smith, Legal Assistant
Commonwealth of Pennsylvania
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471