

FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

2019 APR 29 AM 9:12

PA DEPARTMENT OF  
BANKING AND SECURITIES

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COMMONWEALTH OF PENNSYLVANIA :	:
DEPARTMENT OF BANKING AND :	:
SECURITIES, COMPLIANCE OFFICE :	:
	:
v. :	Docket No. : 180108 (BNK-C&D)
	:
SMART CHOICE AUTO :	:
RECOVERY, INC. :	:
	:

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ORDER LIFTING SUSPENSION

WHEREAS, on December 18, 2018, the Department of Banking and Securities (“Department”), Compliance Office (“Office”), issued an order suspending the collector-repossessor license of Smart Choice Auto Recovery, Inc. (“Smart Choice”) due to failure to pay examination invoice 1802163204 and administrative fee invoices 1802189756, 1802201570, and 1802214034 in the amount of \$958; and

WHEREAS, a copy of the suspension order is attached, and

WHEREAS, payment in in the amount of \$958 was recently provided to the Office on February 26, 2019.

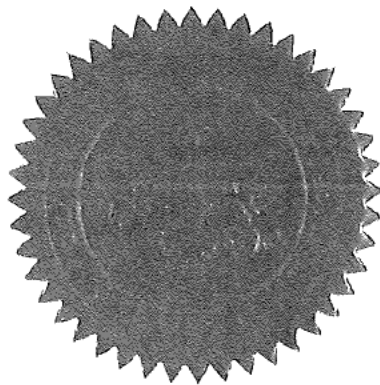
AND NOW, based on this evidence, the Department on this 27<sup>th</sup> day of April 2019 hereby lifts the suspension of collector-repossessor license number 339.

**IT IS SO ORDERED.**

Redacted

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James Keiser, Chief  
Compliance Office  
Department of Banking and Securities



April 26, 2019  
(Date)



FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

2018 DEC 18 AM 9:01

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COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF BANKING AND	:	
SECURITIES, COMPLIANCE OFFICE	:	
	:	
v.	:	Docket No. : 18 <u>0108</u> (BNK-C&D)
	:	
SMART CHOICE AUTO	:	
RECOVERY, INC.	:	
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SUSPENSION AND CEASE AND DESIST ORDER

Through this Order, the Department of Banking and Securities (“Department”), Compliance Office, hereby notifies Smart Choice Auto Recovery, Inc. (“Smart Choice”) that its collector - reposessor license will be suspended within 30 days and this Order will become final and further orders Smart Choice to cease and desist from engaging in the collector - reposessor business until such time as the suspension is lifted. In support of its Order, the Compliance Office states the following:

**BACKGROUND**

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce Section 62 of the Consumer Credit Code, 12 Pa. C.S. § 6201 *et seq.*, (“CCC”).
2. The Compliance Office is primarily responsible for administering and enforcing the CCC for the Department.
3. Smart Choice is currently licensed as a Collector-Reposessor, license no. 339 under the CCC.

4 Smart Choice, a Pennsylvania Business Corporation, maintains its principal place of business at 2882 S. Reach Rd., Williamsport, PA 17701-4152.

#### VIOLATIONS

5. On January 25, 2018, the Department conducted an examination of Smart Choice at its principal place of business.

6. On March 16, 2018, the Department issued invoice number 1802163204 in the amount of \$508 for costs incurred during the examination ("Exam Invoice").

7. The Exam Invoice was due within 60 days and was issued pursuant to Section 204 of the Banking and Securities Code ("Code").

8. Smart Choice did not pay the Exam Invoice within 60 days from the date it was issued.

9. The Department sent the first dunning notice via U.S. Mail to Smart Choice on May 18, 2018, notifying it that the Exam Invoice was past due. The first dunning notice also included administrative fee invoice 1802189756 ("First Delinquency Invoice") in the amount of \$150.00.

10. The Department sent a second dunning notice via U.S. Mail to Smart Choice on June 18, 2018, notifying it that the Exam Invoice and First Delinquency Invoice were past due. The second dunning notice also included a second administrative fee invoice, 1802201570 ("Second Delinquency Invoice"), in the amount of \$150.00.

11. The Department sent a third dunning notice via U.S. Mail to Smart Choice on July 18, 2018, notifying it that the Exam Invoice, First Delinquency Invoice and Second Delinquency Invoice were past due. The third dunning notice also included a third administrative fee invoice, 1802214034 ("Third Delinquency Invoice"), in the amount of \$150.00. (The Invoice, First

Delinquency Invoice, Second Delinquency Invoice and Third Delinquency Invoice are collectively referred to as the “Invoices”.)

12. The dunning notices for the Invoices were not returned to the Department as undeliverable.

13. On October 4, 2018, Alden Seitzer (“Seitzer”), president of Smart Choice, signed a payment plan agreement for the overdue Invoices. The payment plan consisted of four total installments of \$239.50. The first payment was due on October 7, 2018.

14. On October 31, 2018, the Compliance Office sent an email to Seitzer to follow up on the first payment since it had not been received. The email was not returned.

15. On November 8, 2018, the Compliance Office sent a letter to Smart Choice by Certified Mail notifying it that two payments were past due and would be required to be paid by November 18, 2018 and that failure to make these payments would result in administrative action.

16. United States Postal Service tracking shows that this letter was delivered on November 13, 2018. No response to the letter was received.

17. Section 6203(d) of the CCC provides that costs of examinations may be assessed by the Department upon the particular person examined or investigated. 12 Pa.C.S. § 6203(d).

18. By failing to pay the Invoices, Smart Choice is in violation of Section 6203(d) of the CCC in failing to comply with a demand by the Department lawfully made under the CCC and the Code

#### **AUTHORITY**

19. Section 6218(a)(4) of the CCC authorizes the Department “upon notice under subsection (b), ...to revoke or suspend a license if it finds that the licensee has...failed to comply

with a demand, order or regulation of the department lawfully made by the department under and within the authority of [the CCC].” 12 Pa.C.S. § 6218(a)(4).

20. Section 6218(b) of the CCC provides that the Department “shall provide 30 days’ written notice to the licensee for a revocation of a license...by registered mail to the place of business of the licensee.”

21. The Department has the authority to issue enforcement orders including the authority to suspend any license issued pursuant to the CCC if a licensee has failed to comply with or violated any provision of the CCC. 12 Pa.C.S §§ 6203, 6218.

22. Pursuant to Section 204.B of the Code, the Department “may impose in addition to the money assessed a maximum penalty fee of one hundred fifty dollars (\$150.00) for that sixty-day period and each successive thirty-day period of delinquency.” 71 P.S. § 733-204 B.

#### **RELIEF**

AND NOW THEREFORE, since Smart Choice has failed to pay the Invoices and has failed to comply with a demand by the Department, the Compliance Office, pursuant to the authority referenced above, hereby requests the following Order be issued:

23. No later than the effective date of this Order, Smart Choice’s collector-repossessor license shall be *SUSPENDED*, meaning that Smart Choice and its owners, officers, directors and/or employees, shall not engage in the collector - reposessor business in Pennsylvania as defined in Section 6202 of the CCC, until such time that the Compliance Office lifts the suspension

23. No later than the effective date of this Order, Smart Choice is to pay in full the amount of \$958 for the Invoices. Payment shall be remitted by certified check or money order made payable to the Pennsylvania Department of Banking and Securities and sent to the attention of: PA Comptroller Operations, Accounts Receivable, P.O. Box 2833, Harrisburg, PA 17105.

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

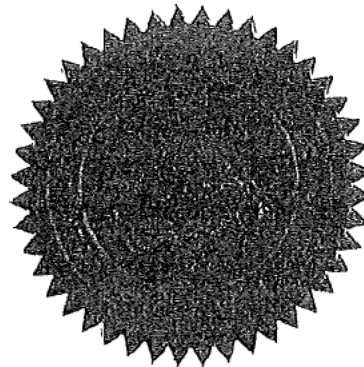
25. The effective date of this Order shall be 30 days after the date this Order is signed below.

**IT IS SO ORDERED.**

Redacted

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James Keiser, Chief  
Compliance Office  
Department of Banking and Securities



December 18, 2018  
(Date)



FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES DEC 18 2018

COMMONWEALTH OF PENNSYLVANIA	:	PA DEPARTMENT OF BANKING AND SECURITIES
DEPARTMENT OF BANKING AND SECURITIES, COMPLIANCE OFFICE	:	
	:	
v.	:	Docket No. : 180108 (BNK-C&D)
	:	
SMART CHOICE AUTO RECOVERY, INC.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Suspension and *Cease and Desist Order* 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, 33.36 and 33.37:

BY CERTIFIED AND FIRST CLASS MAIL

Smart Choice Auto Recovery, Inc.  
2882 South Beach Road  
Williamsport, PA 17701

Dated this 18<sup>th</sup> day of December 2018.

Redacted

~~\_\_\_\_\_  
[Redacted Signature]~~

John Chiappetta Assistant Counsel  
Attorney ID #: 62902  
FOR: Commonwealth of Pennsylvania  
Department of Banking and Securities  
17 N. Second St., Ste. 1300  
Harrisburg, PA 17101

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DEPARTMENT OF BANKING AND SECURITIES

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BY CERTIFIED AND FIRST CLASS MAIL

Smart Choice Auto Recovery, Inc.  
2882 South Beach Road  
Williamsport, PA 17701

Dated this 29th day of April 2019.

Redacted

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John Chiappetta  
Assistant Counsel  
Attorney ID #: 62902  
FOR: Commonwealth of Pennsylvania  
Department of Banking and Securities  
17 N. Second St., Ste. 1300  
Harrisburg, PA 17101