

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

2019 MAY 23 AM 9:33

PA DEPARTMENT OF
BANKING AND SECURITIES

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

v. :

Docket No. : 19 004 (BNK-C&D)

ONEWAY AUTO SALES INC. :

NOTICE TO ANSWER AND REQUEST A HEARING

You, Oneway Auto Sales Inc., has the right to challenge the attached Suspension and Cease and Desist 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 cause 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 must be filed with the Docket Clerk:

Linnea Freeberg, Docket Clerk
Department of Banking and Securities
17 N. Second St., Ste. 1300
Harrisburg, PA 17101

Further, you must serve a copy of the Answer and any other documents on the person who signed the Order by providing a copy to his or her counsel indicated below:

John Chiappetta
Assistant Counsel
301 5th Avenue, Suite 290
Pittsburgh, PA 15222

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 Practice and Procedure, 1 Pa Code §§ 31.1-35.251.

4. Oneway was, at all times material herein, a Pennsylvania corporation with a principal place of business at 135 N Lehigh Ave., Frackville, PA 17931.

BACKGROUND

5. On June 26, 2018, the Department conducted an examination of Oneway at its principal place of business.

6. On August 30, 2018, the Department issued invoice number 1802232797 in the amount of \$508.00 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. Oneway 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 Oneway on November 18, 2018, notifying it that the Exam Invoice was past due. The first dunning notice also included penalty fee invoice 1802292963 (“First Delinquency Invoice”) in the amount of \$150.00

10. The Department sent a second dunning notice via U.S. Mail to Oneway on December 18, 2018, notifying it that the Exam Invoice and First Delinquency Invoice were past due. The second dunning notice also included a second penalty fee invoice, 1802280070 (“Second Delinquency Invoice”), in the amount of \$150.00

11. The Department sent a third dunning notice via U.S. Mail to Oneway on January 18, 2019, notifying it that the Exam Invoice, First Delinquency Invoice, and Second Delinquency Invoice were past due. The third dunning notice also included a third penalty fee invoice, 1802292963 (“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. From February 2019 through March 2019, using an email address and telephone numbers provided to it by Oneway, the Compliance Office attempted to contact Jamie Cespedes (“Cespedes”), president of Oneway, on several occasions, but received no response and could not reach Cespedes by telephone due to busy signals.

14. On March 14, 2019, the Compliance Office sent a letter by U.S. certified mail (“March 14 Certified Letter”) to Oneway at 135 N. Lehigh Ave., Frackville, PA 17931

15. On April 1, 2019, and April 16, 2019, using a telephone number provided to it by Oneway, the Compliance Office contacted Cespedes, who acknowledged Oneway’s obligations to pay the Invoices and indicated that payment, on both occasions, would be forthcoming within a week.

16. On or about April 15, 2019, the Compliance Office received the March 14 Certified Letter which was marked as unclaimed and unable to be delivered.

17. On April 30, 2019, using the telephone number and email provided to it by Oneway, the Compliance Office again contacted Cespedes and left voicemail and email messages informing Cespedes that the Department would take action to suspend Oneway’s Installment Seller license if a full payment was not received by May 3, 2019.

18. As of the date of this Order, the Comptroller’s Office has not received payment for the Invoices from Oneway.

AUTHORITY

19 “The expenses incurred by the department in connection with an examination or investigation, including a proportionate part of the salary of an examiner or other employee of the department... may be assessed by the department upon the particular person examined or investigated.” 12 Pa. C.S. § 6203(d).

20. “If payment [of the assessment or expense] is not made by any institution or licensee within the sixty-day period, 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.” Section 204 of the Banking and Securities Code of 1933.

21. 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).

22. 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.

VIOLATIONS

23 By failing to pay the Invoice, Oneway 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.

RELIEF

AND NOW THEREFORE, since Oneway has failed to pay the Invoice and has failed to comply with a demand by the Department, the Compliance Office, pursuant to the authority referenced above, hereby issues the following Order:

24. No later than the effective date of this Order, Oneway's Installment Seller license shall be SUSPENDED, meaning that Oneway and its owners, officers, directors and/or employees, shall not engage in the Installment Seller business in Pennsylvania as defined in Section 6202 of the CCC, until such time that the Compliance Office lifts the suspension.

25. The suspension will not be lifted until after Oneway pays the outstanding amount of \$958 00 for the Invoice 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 Oneway shall notify the Office when it sends the payment to the Comptroller's Office

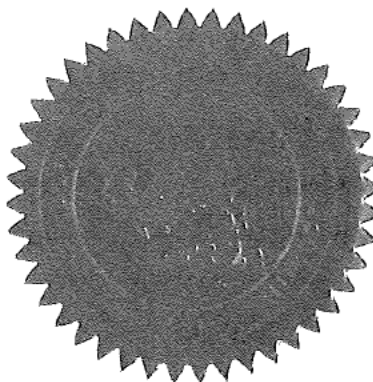
26. Nothing in this Order shall prevent the Compliance Office from taking any further administrative action as deemed necessary.

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

IT IS SO ORDERED.

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities



May 23, 2019
(Date)

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES 2019 MAY 23 AM 9:33

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

PA DEPARTMENT OF
BANKING AND SECURITIES

v.

Docket No. : 19 0001 (BNK-C&D)

ONEWAY AUTO SALES 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

Oneway Auto Sales Inc.
135 N. Lehigh Ave.
Frackville, PA 17931

Redacted

Date: 5/23/19

Eileen Smith, Legal Assistant
FOR: Commonwealth of Pennsylvania
Department of Banking and Securities
17 N. Second St., Ste. 1300
Harrisburg, PA 17101