

4. The Department licensed HELM Associates as a Sales Finance Company, license no. 18768, through September 30, 2019.
5. HELM Associates failed to timely submit a license renewal application.
6. Under the CCC, sales finance companies must submit a yearly renewal license application to the Department at least fifteen days prior to October 1 of each year. 12 Pa. C.S. § 6216.
7. The Department canceled HELM Associates's license effective on October 1, 2019. 12 Pa. C.S. § 6211(b)(2).
8. HELM Associates submitted a new application for a sales finance company license on or around January 6, 2020.
9. HELM Associates purchased installment sale contracts after October 1, 2019.
10. HELM Associates was not licensed to purchase installment sale contracts after September 30, 2019.
11. HELM Associates was issued a Sales Finance license number # 73889 on February 21, 2020.

Authority of the Department

12. 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).
13. 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

14. HELM Associates violated Section 6211(a)(2) of the CCC when it engaged in the business of a sales finance company while unlicensed. 12 Pa. C.S. § 6211(a)(2).

RELIEF

15. Fine. HELM Associates agrees to pay a fine of twenty-eight thousand three hundred and seventy-five dollars (\$28,375) in five (5) monthly installments of \$5,675 with the first payment due within thirty (30) days of the Effective Date of the Order. The remaining four (4) installments will be due within thirty (30) days of each previous payment. The fine payments shall be made by ACH or wire transfer, or if ACH or wire transfer is unavailable, by certified check, cashier's check, teller's check or money order made payable to the "Department of Banking and Securities" and shall be mailed, or delivered in person to the attention of: Department of Banking and Securities, Compliance Office, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290.

FURTHER PROVISIONS

16. Consent. HELM Associates 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. HELM Associates, 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.

17. Consumer's Rights. This Order shall not limit or impair a consumer's rights under the CCC. 12 Pa. C.S. § 6236.

18. 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).

19. 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 HELM Associates.

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

21. Counsel. This Order is subject to review by the Department's Legal Division. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

22. Effectiveness. HELM Associates hereby stipulates and agrees that the Order shall become effective on the date that the Office executes this Order ("Effective Date").

23. 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 HELM Associates in the future regarding all matters not resolved by this Order.
- b. HELM Associates 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.

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

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

26. 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 HELM Associates, 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**

Redacted

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

Date:

3-12-2020

FOR HELM ASSOCIATES, INC.

Redacted

(Officer Signature)

Murray Biele

(Print Officer Name)

President

(Title)

Date:

3-10-20

