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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

2022 FEB 15 PM 3:21

PA DEPARTMENT OF
BANKING AND SECURITIES

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

v. :

Docket No. : 220007 (BNK-C&D)

TRACKSIDE AUTO SALES LLC :
:

NOTICE TO ANSWER AND REQUEST A HEARING

You, Trackside Auto Sales LLC, have the right to challenge the attached 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 via first-class mail and electronic mail with the Docket Clerk:

Eileen Smith, Docket Clerk
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101
Email: RA-BNDOCKETCLERK@pa.gov

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

Veronica Hoof, Assistant Counsel
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101
vhoof@pa.gov

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.

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**COMMONWEALTH OF PENNSYLVANIA
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BANKING AND SECURITIES

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DEPARTMENT OF BANKING AND	:	
SECURITIES, COMPLIANCE OFFICE	:	
	:	
v.	:	
	:	
TRACKSIDE AUTO SALES LLC	:	Docket No. : 22 0007 (BNK-ORD)
	:	

SUSPENSION ORDER

Through this Order, the Department of Banking and Securities (“Department”), Compliance Office (“Office”), hereby notifies Trackside Auto Sales LLC (“Trackside”) that its Installment Seller license will be suspended within 30 days and this Order will become final. In support of its Order, the Office states the following:

PARTIES

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the Consumer Credit Code (“CCC”) as related to motor vehicle sales finance, 12 Pa. C.S. § 6201 *et seq.*
2. The Office is primarily responsible for administering and enforcing the CCC for the Department.
3. Trackside is currently licensed as an Installment Seller, license no. 57226.
4. Trackside was, at all times material herein, a Pennsylvania Limited Liability Company with a principal place of business at 7280 Columbia Blvd. Bloomsburg, PA 17815.

BACKGROUND

5. On September 28, 2020 the Department conducted an examination of Trackside at its principal place of business.

6. On October 27, 2020 the Department issued invoice number 1802545427 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. Trackside 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 Trackside on January 26, 2021, notifying it that the Exam Invoice was past due. The first dunning notice also included penalty fee invoice 1802579192 ("First Delinquency Invoice") in the amount of \$150.00.

10. The Department sent a second dunning notice via U.S. Mail to Trackside on February 23, 2021, notifying it that the Exam Invoice and First Delinquency Invoice were past due. The second dunning notice also included a second penalty fee invoice, 1802589438 ("Second Delinquency Invoice"), in the amount of \$150.00.

11. The Department sent a third dunning notice via U.S. Mail to Trackside on March 23, 2021, 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, 1802600836 ("Third Delinquency Invoice"), in the amount of \$150.00. (The Exam Invoice, First Delinquency Invoice, Second Delinquency Invoice, and Third Delinquency Invoice are collectively referred to as the "Invoices".)

12. Trackside submitted payment in the amount of \$508.00 on July 14, 2021.

13. From August 2021 through February 2022, using email addresses and telephone numbers provided to it by Trackside, the Office attempted to contact Trackside on several occasions to collect the remaining Invoices amount of \$450.00, but received no response.

14. As of the date of this Order, the Department has not received payment for the Invoices in the remaining amount of \$450.00 from Trackside.

AUTHORITY

15. “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).

16. “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 Code.

17. 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 license 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).

18. 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

19. By failing to pay the Invoices, Trackside 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 Trackside has failed to pay the Invoices and has failed to comply with a demand by the Department, the Office, pursuant to the authority referenced above, hereby issues the following Order:

20. No later than the effective date of this Order, Trackside's Installment Seller license shall be **SUSPENDED**, meaning that Trackside 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 Office lifts the suspension.

21. The suspension will not be lifted until Trackside pays the outstanding amount of \$450.00 for the Invoices. Payment shall be remitted through the Department's Portal at <https://www.portal.dobs.pa.gov>.

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

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

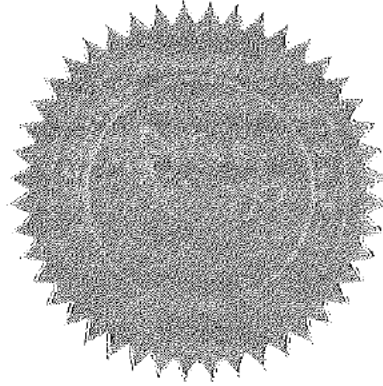
IT IS SO ORDERED.

Redacted

John Talalai, Director
Compliance Office
Department of Banking and Securities

02/15/2022

(Date)



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v.

TRACKSIDE AUTO SALES LLC

Docket No. : 22 0007 (BNK-ORD)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Suspension 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

Trackside Auto Sales LLC
7280 Columbia Blvd.
Bloomsburg, PA 17815

Dated this 17th day of February 2022.

Redacted

Eileen Smith, Legal Office Administrator
Office of Chief Counsel
FOR: Commonwealth of Pennsylvania
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471