

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

ROGER'S AUTO SALES

DOCKET NO. 23 0043 (BNK-CAO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Compliance Office ("Office") has reviewed the business practices of Roger's Auto Sales ("Roger's") and its officers, employees, and directors. Based on the results of its review, the Office concludes that Roger's operated in violation of the Consumer Credit Code ("CCC") as related to motor vehicle sales finance, 12 Pa. C.S. § 6201 *et seq.* The parties to the above-captioned matter, in lieu of litigation, hereby stipulate the following statements are true and correct in the settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Order").

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the CCC.
2. Roger's principal place of business is located at 7408 Anthony Hwy, Waynesboro, PA 17268-8913.

Unlicensed Period

3. Anyone engaging in the business of an Installment Seller of motor vehicles under installment sale contracts needs a license issued by the Department. 12 Pa. C.S. § 6211(a)(1).
4. The Department licensed Roger's as an Installment Seller, license number 13210, through September 30, 2023.
5. Roger's failed to timely submit a license renewal application.

6. Under the CCC, installment sellers 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 cancelled Roger's license effective on October 1, 2023. 12 Pa. C.S. § 6211(b)(2).
8. Roger's applied for an installment seller license and was issued license number 106495 on November 6, 2023.
9. The company entered into motor vehicle installment sale contracts between October 1, 2023 and November 5, 2023, when it was not licensed to do so.

Authority of the Department

10. 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).
11. 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

12. Roger's violated Section 6211(a)(1) of the CCC when it engaged in the business of an Installment Seller while unlicensed. 12 Pa. C.S. § 6211(a)(1).

RELIEF

13. Fine. Roger's agrees to pay a fine of two hundred fifty dollars (\$250 dollars) due within thirty (30) days of the Effective Date of the Order. The fine payment shall be made through the Department's secure portal at <https://www.portal.dobs.pa.gov>.

FURTHER PROVISIONS

14. Consent. Roger's 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. Roger's, 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.

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

16. 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).

17. 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 Roger's.

18. Binding Nature. The Department, Roger's, and all officers, owners, directors, employees, heirs, and assigns of Roger's intend to be and are legally bound by the terms of this Order.

19. 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.

20. Effectiveness. Roger's hereby stipulates and agrees that the Order shall become effective on the date that the Office executes this Order ("Effective Date").

21. 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 Roger's in the future regarding all matters not resolved by this Order.
- b. Roger's 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.

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

23. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic format.

24. 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 Roger's, 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, Director
Compliance Office
Pennsylvania Department of Banking and
Securities

Date: 11/20/2023

FOR ROGER'S AUTO SALES

Redacted

(Officer Signature)

Redacted

(Print Officer Name)

Secretary Office Manager
(Title)

Date: 11/16/23

