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COMMONWEALTH OF PENNSYLVANIA 2024 SEP -5 AM 10:32
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF
BANKING AND SECURITIES

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

v. :

Docket No.: 24 043 (BNK-C&D)

SPEED AUTO, LLC :
: :
: :

NOTICE TO ANSWER AND REQUEST A HEARING

You, Speed Auto, LLC, have the right to a hearing to challenge the attached Suspension Order. *See* 12 Pa.C.S. § 6218(b) and 2 Pa.C.S. § 504. To request a hearing, you must submit the request in writing to the Docket Clerk within 30 days of the date of this Order. **If the Docket Clerk does not receive your written request, then you will waive your right to a hearing and the Order will be deemed final. Final orders of the Department may be appealed to the Pennsylvania Commonwealth Court. *See* 12 Pa.C.S. § 6205; 2 Pa.C.S. § 702; and 42 Pa.C.S. § 763.**

The hearing request and all other documents relating to this matter must be filed via first-class mail and electronic mail with the Docket Clerk:

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 hearing request on the person who signed the attached Order by providing a copy to their counsel indicated below:

Office of Chief Counsel
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101
RA-BNCHIEFCOUNSEL@pa.gov

Once you file your hearing request, you will be notified of pertinent information such as the name of the presiding officer designated by the Banking and Securities 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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v.

SPEED AUTO, LLC

Docket No. : 240043 (BNK-ORD)

SUSPENSION ORDER

Through this Order, the Department of Banking and Securities ("Department"), Compliance Office ("Office"), hereby notifies Speed Auto, LLC ("Speed Auto") 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. Speed Auto is currently licensed as an Installment Seller, license no. 77357.
4. Speed Auto was, at all times material herein, a Pennsylvania Limited Liability Company with a principal place of business at 745 S. Prince Street, Lancaster, Pennsylvania 17603.

BACKGROUND

5. The Department conducted an examination of Speed Auto on August 8, 2023.
6. The Department billed Speed Auto for costs incurred for the examination with examination invoice 082523 ("Exam Invoice") in the amount of \$253.99 on August 25, 2023, due no later than October 24, 2023.
7. "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).
8. On October 10, 2023, the Department's Examinations Office ("Examinations Office") issued an email to Adriano Gomez, owner of Speed Auto, regarding the Exam Invoice.
9. Mr. Gomez did not respond to the email.
10. Speed Auto failed to pay the Exam Invoice by the due date of October 24, 2023.
11. On October 31, 2023, the Examinations Office spoke with Mr. Gomez regarding the Exam Invoice. He stated that he would "take care of it today".
12. Mr. Gomez did not pay the Exam Invoice.
13. On November 23, 2023, the Department issued a collection notice ("Dunning Notice") in the amount of \$253.99, due no later than December 23, 2023.
14. Speed Auto failed to pay the Exam Invoice by the due date of December 23, 2023.
15. On December 29, 2023, the Department issued a second Dunning Notice which included a penalty fee in the amount of \$150.00. The new total of the Exam Invoice issued was \$403.99, due no later than January 28, 2024.

16. Speed Auto failed to pay the Exam Invoice by the due date of January 28, 2024.
17. On February 2, 2024, the Department issued a third Dunning Notice which included a second penalty fee in the amount of \$150.00. The new total of the Exam Invoice issued was \$553.99, due no later than March 3, 2024.
18. Speed Auto failed to pay the Exam Invoice by the due date of March 3, 2024.
19. On March 4, 2024, the Department issued a fourth Dunning Notice which included a final penalty fee in the amount of \$150.00. The new total of the Exam Invoice issued was \$703.99, due no later than April 3, 2024.
20. Speed Auto failed to pay the Exam Invoice by the due date of April 3, 2024.
21. On April 3, 2024, the Department issued a fifth Dunning Notice in the amount of \$703.99, due no later than May 3, 2024.
22. Speed Auto failed to pay the Exam Invoice by the due date of May 3, 2024.
23. On May 3, 2024, the Department issued a sixth and final Dunning Notice in the amount of \$703.99, due no later than June 2, 2024.
24. Speed Auto failed to pay the Exam Invoice by the due date of June 2, 2024.
25. Pursuant to Section 204 of the Banking and Securities Code of 1933 ("Code"), "[i]f 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 or delinquency." 71 P.S. § 733-204.
26. On June 17 and 26, 2024, and July 15 and 25, 2024, the Office emailed Mr. Gomez requesting that he contact the Department to make payment arrangements for the Exam Invoice.
27. Mr. Gomez did not respond to any of these e-mails.

28. On July 3, 2024, the Office called Mr. Gomez's cell phone number to make a payment arrangement for the Exam Invoice. There was no answer, so a voicemail was left requesting a return call to make a payment arrangement for the Exam Invoice. Also, it was provided that failure to pay the Exam Invoice may result in enforcement action including license suspension.

29. Mr. Gomez did not return the voicemail.

30. On July 8, 2024, the Office called Mr. Gomez at the business phone number to make a payment arrangement for the Exam Invoice. After ringing several times, a recording stated that "memory was full" and disconnected.

31. On July 10, 2024, the Office called Mr. Gomez's cell phone number to make a payment arrangement for the Exam Invoice. After ringing several times, the call was terminated.

32. The total amount owed for the Exam Invoice is \$703.99, which includes the initial examination and penalty fees.

33. To date, Speed Auto has failed to pay any portion of the Exam Invoice or penalty fees.

AUTHORITY

34. "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.

35. Section 6218(a) of the CCC authorizes the Department "upon notice under subsection (b)... to revoke or suspend a license if it discovers a fact or condition that, had it existed

or been discovered at the time of filing of any license application, would have warranted disapproval of the application or if it finds that the licensee has engaged in any of the following: ... (2) Violated a provision of [the CCC]. (3) Violated an order or regulation issued by the department under and within the authority of [the CCC]. (4) 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)(2)-(4).

36. The Department has the authority to issue enforcement orders including the authority to suspend any license issued pursuant to the CCC if a license has failed to comply with or violated any provision of the CCC. 12 Pa. C.S. § 6203(a)(5) and 12 Pa. C.S. § 6218.

VIOLATIONS

37. By failing to pay the Exam Invoice, including penalty fees, and failing to comply with a demand by the Department lawfully made under the CCC and the Code, Speed Auto is in violation of Section 6203(d) and Section 6218(2) and (4) of the CCC.

RELIEF

AND NOW THEREFORE, since Speed Auto has failed to comply with a demand by the Department, the Office, pursuant to the authority referenced above, hereby issues the following Order:

1. No later than the effective date of this Order, Speed Auto’s Installment Seller license shall be **SUSPENDED**, meaning that Speed Auto 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.

2. The suspension will not be lifted until Speed Auto pays the outstanding amount of seven hundred three dollars and ninety-nine cents (\$703.99) for the Exam Invoice, as well as a fine

in the amount of two thousand dollars (\$2,000.00) for failing to comply with a demand by the Department lawfully made under the CCC and Code. Payment shall be remitted through the Department's Portal at <https://www.portal.dobs.pa.gov>.

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

4. 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
Pennsylvania Department of Banking and Securities

09/05/2024

(Date)



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Docket No.: 24 0043 (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

Speed Auto, LLC
745 S. Prince Street
Lancaster, PA 17603

Dated this 10th day of September 2024.

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