

Docket No. 24 0046 (BNK-CAO)

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities (“Department”), Compliance Office (“Office”), has reviewed the business practices of Adventure Motosports, LLC (“AM”) and its officers, employees, and directors. Based on the results of its review, the Office concludes that AM operated in violation of the Consumer Credit Code (“CCC”) as it relates 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 that 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”).

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the CCC.

2. AM's principal place of business is located at 5165 E. Pleasant Valley Blvd. Tyrone, PA 16686.

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 AM as an Installment Seller, license number 63573, through September 30, 2024.

5. AM 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 AM's license effective October 1, 2024. 12 Pa. C.S. § 6211(b)(2).
8. AM applied for an installment seller license and was issued license number 111587 on November 5, 2024.

Authority of the Department

9. 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).
10. 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.

VIOLATION

11. AM 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

12. Fine. AM agrees to pay a fine of two thousand, eight hundred seventy-five dollars (\$2,875) due within thirty (30) days of the Effective Date of the Order as defined in paragraph 19 below. The fine payment shall be made through the Department portal at <https://www.portal.dobs.pa.gov>.

FURTHER PROVISIONS

13. Consent. AM 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. AM, 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.

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

15. 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).

16. 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 AM.

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

18. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

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

20. 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 AM in the future regarding all matters not resolved by this Order.
- b. AM 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.

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

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

23. 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 Adventure Motosports, LLC, 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: 11/25/2024

FOR ADVENTURE MOTOSPORTS, LLC

Redacted

(Officer Signature)

JOSHUA NOLTEN
(Print Officer Name)

member
(Title)

Date: 11/22/24

