

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES**

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

v.

**GARY TOWING SERVICE :
& ROAD ASISTEN, LLC :**

: DOCKET NO. 260006 (BNK-ORD)

NOTICE OF RIGHT TO APPEAL

You are hereby notified that you have the right to appeal the attached Final Report and Order (“Order”) issued by the Commonwealth of Pennsylvania Banking and Securities Commission.

If you wish to appeal the attached Order you may file a petition for review with the Prothonotary of the Commonwealth Court of Pennsylvania that complies with the format and timing requirements of the applicable Pennsylvania Rules of Appellate Procedure. Pa. R.A.P. 1511-1561. Failure to file a petition for review within 30 days of the mailing date of this Order will result in the attached Order becoming final and unappealable. You may reach the Commonwealth Court at 717-255-1650.

Please be advised that this Notice of Right to Appeal is not intended to and does not constitute legal advice. You may consult an attorney regarding your legal rights including your right to appeal the attached Order or your right to file an application for rehearing or reconsideration under the General Rules of Administrative Practice and Procedure. 1 Pa. Code § 35.241.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES**

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

v.

GARY TOWING SERVICE :
& ROAD ASISTEN, LLC :

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FINAL ORDER

AND NOW, the Pennsylvania Banking and Securities Commission (“Commission”) pursuant to the final adjudication authority granted to the Commission under section 1122-A of the Department of Banking and Securities Code, 71 P.S. § 733-122-A, the Commission issues this Final Order, adopting the Hearing Officer’s proposed report.

The Commission reviewed the proposed report and proposed order of Hearing Officer Carlton Smith, which are attached. Pursuant to 1 Pa. Code § 35.207, the Commission served these documents on the parties by letter dated April 21, 2026, giving the parties 30 days to appeal the findings and recommendations by submitting exceptions to the Commission. No party filed exceptions. Accordingly, the Commission may proceed to issue a Final Order in the matter pursuant to the final adjudication authority granted it under Section 1122-A of the Department of Banking and Securities Code, 71 P.S. § 733-1122-A.

On March 5, 2026, the Department of Banking and Securities, Compliance Office (“Bureau”) served Gary Towing Service & Road Asisten, LLC (“Respondent”) an Order to Show Cause (“OSC”) alleging that Respondent engaged in collector-repossessor activities without a license in violation of Section 6211(a)(3) of the Consumer Credit Code (“CCC”). When Respondent failed to respond to such allegations, the Bureau filed a Motion to Deem Facts

Admitted and Entry of Default Judgment on March 24, 2026. The hearing officer found Respondent in default and deemed the facts outlined in the OSC admitted within the proposed report and proposed order.

With this Final Order, the Commission adopts the hearing officer's proposed report as written. The Commission ORDERS that Respondent shall pay a **CIVIL PENALTY** of Two Thousand Dollars (\$2,000.00) for each violation, for a total penalty of Twenty-Four Thousand Dollars (\$24,000.00) pursuant to Section 6274 of the CCC, 12 Pa.C.S. § 6274. Respondent shall make said payment within 30 days through the Department's secure portal (<https://www.portal.dobs.pa.gov>).

IT IS FURTHER ORDERED that Respondent shall **immediately cease** from engaging in any further collector-repossessor activity unless or until it is licensed by the Department.

This Final Order shall be effective 30 days after the Commission mails it.



BY ORDER OF THE COMMISSION:

Redacted
James R. Biery
Chair
Pennsylvania Banking and Securities
Commission

So ORDERED this 16th day of July, 2026

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES**

**Commonwealth of Pennsylvania,
Department of Banking and Securities,
Compliance Office
Petitioner**

v.

**Gary Towing Service
& Road Asisten, LLC
Respondent**

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Docket No. 260006 (BNK-ORD)

PROPOSED REPORT

**Carlton M. Smith
Hearing Examiner**

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE
OFFICE OF HEARING EXAMINERS
P.O. Box 60130
Harrisburg, PA 17106-0130**

HISTORY

This matter arose on March 3, 2026, when the Department of Banking and Securities, Compliance Office (“Department”) filed an Order to Show Cause (“OSTC”) charging Gary Towing Service & Road Asisten, LLC (“GTS”), under the Consumer Credit Code (“CCC”), 12 Pa.C.S. § 6201 et seq., as it relates to collections-repossessions. The OSC charged that GTS, operating as an unlicensed Collector-Repossessor, repossessed at least 12 motor vehicles that were the subject of installment sale contracts.

By letter dated March 23, 2026, Secretary of Banking and Securities Wendy Spicher (“the Secretary”) delegated this matter to the undersigned hearing examiner to conduct proceedings in accordance with the General Rules of Administrative Practice and Procedure¹ (“GRAPP”), including filing the proposed adjudication and order.

The Bureau mailed the OSC to GTS on March 3, 2026, in accordance with the requirements of §§ 33.31 and 33.35 of GRAPP, 1 Pa. Code §§ 33.31 and 33.35. On March 9, 2026, the Department received notice that the OTSC was delivered to GTS via Certified Mail.. The OTSC directed GTS to file an answer thereto within 15 days of the date of the OTSC. However, GTS did not do so. On March 25, 2026, the Department filed a *Motion to Deem Facts Admitted and Entry of Default Judgment* (“MDFA”), copies of which were served upon GTS. This proposed adjudication and order is now issued in accordance with the Secretary’s letter of March 23, 2026.

¹ 1 Pa. Code §§ 31.1-35.251.

FINDINGS OF FACT

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the Consumer Credit Code (“CCC”), 12 Pa.C.S. § 6201 et seq. (OTSC ¶¶1, 13-15).
2. The Department’s Compliance Office (“Compliance Office”) is primarily responsible for administering and enforcing the CCC for the Department. (OTSC ¶ 2).
3. Gary Towing Service & Road Asisten, LLC (“GTS”) maintains its principal places of business at 21 N. Main Street, Dover, Pennsylvania 17315 and Redacted Pennsylvania 17408. (OTSC ¶ 3).
4. In October of 2025, the Department discovered that GTS had been operating as an unlicensed collector-repossessor. (OTSC ¶ 8).
5. From on or about April 30, 2021, to on or about October 16, 2025, GTS repossessed at least 12 motor vehicles that were the subject of installment sale contracts. GTS has never been licensed by the Department as collector-repossessor. (OTSC ¶¶ 9, 11).
6. On November 5, 2025, Hildi Cardenas, representing GTS, contacted the Department to discuss a request for information. On November 7, Ms. Cardenas responded to the request for information by providing a spreadsheet, recovery orders, and merchant contracts relating to any collector-repossessor activity on behalf of GTS. (OTSC ¶ 11).
7. From November 12, 2025, to January 16, 2026, the Compliance Office attempted to reach GTS multiple times through email and phone to discuss the status of its collector-repossessor license. GTS did not respond to any of the Department’s emails, calls, or voicemails. (OTSC ¶12).

8. On March 5, 2026, the Department served the OTSC upon GTS by mailing a copy to its principal places of business, via certified mail return receipt and first-class mail postage prepaid. (OTSC Certificate of Service).
9. Delivery of the OTSC was confirmed to have occurred on March 7, 2026. (MDFA, Exhibit A).
10. There was no indication the first-class mailings were returned by the Postal Service. (Department records).
11. The Notice to Defend attached to the OTSC provides that GTS had 15 days to file an answer and request a hearing. (OTSC Notice, MDFA, ¶ 3).
12. GTS did not file an answer. (Department records; MDFA, ¶ 7).
13. On March 24, the Department filed its MDFA, copies of which were served upon GTS on March 26, 2026, by first-class mail postage prepaid by mailing a copy to GTS at its principal places of business. (Department records; MDFA at certificate of service).
14. As of the date of this proposed adjudication and order, GTS has not responded to the OTSC or the MDFA. (Department records).
15. GTS has been served with the OTSC and all subsequent notices, documents and pleadings filed in this matter. (Department records).

CONCLUSIONS OF LAW

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the Consumer Credit Code ("CCC") and has jurisdiction in this matter, 12 Pa.C.S. § 6201 *et seq.* (OSC ¶¶ 1, 13-15).
2. GTS operated as a "collector-repossessor" as defined in Section 6202 of the CCC when GTS repossessed 12 motor vehicles that were the subject of installment sale contracts. (Find of Facts ¶¶ 3-6).
3. GTS violated 6211(a)(3) of the CCC because GTS engaged in these regulated activities without obtaining a license from the Department. (Find of Facts ¶¶ 3-6).
4. Section 6274 of the CCC provides: "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).

DISCUSSION

Service/Default

“Due process requires notice, reasonably calculated to inform a party of the pending action so that the party will have an opportunity to present objections.” *Goetz v. Dep't of Env'tl. Res.*, 613 A.2d 65, 67 (1992), *citing Celane v. Insurance Commission*, 415 A.2d 130 (1980). This requirement is satisfied when notice of the action is mailed to the interested party's last known address. *Yarbrough v. Dept. of Public Welfare.*, 478 A.2d 956, 958 (Pa. Cmwlth. 1984). On March 5, 2026, the Department served the OTSC on GTS by mailing a copy to GTS at its business addresses via certified mail return receipt requested and by first-class mail postage prepaid. The first-class mailings were not returned by the Postal Service. That fact created the presumption of delivery to GTS. *Cf. John Kenneth, Ltd. v. Com., U.C.B.R.*, 444 A.2d 824, 826 (Pa. Cmwlth. 1982) (“[w]here notice, mailed to a party's last known address, is not returned by the postal authorities as undeliverable, the party is presumed to have received notice”). Moreover, the certified mailing addressed to GTS's York address was successfully delivered and received. (MDFA, Exhibit B).

The OTSC directed GTS to file an answer to the allegations in the OTSC within 15 days and advised GTS that failure to file a timely answer to the OTSC could result in a final order against them without a hearing. The OTSC further notified GTS that it could be ordered to pay an administrative assessment of up to \$2,000 for each violation. Nonetheless, GTS failed to file an answer or otherwise respond to the allegations in the OTSC. Accordingly, on March 24, 2026, the Department filed its MDFA, copies of which were served upon GTS by first-class mail postage prepaid at the same addresses at which the OSC had been served. As of the date of this Proposed Order, GTS has failed to file any response to the OTSC or the MDFA.

The facts are deemed admitted, and it is, therefore, now proper to proceed to enter a proposed order in this disciplinary proceeding without a hearing.

Violations

In its OTSC, the Department charged that GTS is subject to disciplinary action for violating Section 6211(a)(3) of the CCC by operating as an unlicensed collector-repossessor in Pennsylvania. 12 Pa.C.S. § 6211(a)(3).

As established by the facts deemed admitted, in October of 2025, the Department discovered GTS had been operating as an unlicensed collector-repossessor. The Department through its Compliance Office attempted to reach GTS multiple times through email and phone to discuss the status of its collector-repossessor license. GTS did not respond to any of the Department's emails, calls, or voicemails. GTS eventually provided the Department with spreadsheet, recovery orders, and merchant contracts relating to its collector-repossessor activities. The Department determined that from on or about April 30, 2021, to on or about October 16, 2025, GTS repossessed at least 12 motor vehicles that were the subject of installment sale contracts.

Section 6211(a) of the CCC states that a collector-repossessor may engage or continue to engage in this Commonwealth as a principal, employee, agent or broker only as authorized in this chapter under a license issued by the department. 12 Pa.C.S. § 6211. GTS is not and has never been licensed by the Department as a collector-repossessor. GTS violated Section 6211(a)(3) of the CCC. 12 Pa.C.S. § 6211(a)(3).

Sanction

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. Here, GTS had been operating as a collector-repossessor in this Commonwealth without a license for nearly 4 ½ years. Once GTS furnished the Department with records, GTS ignored the Department’s attempts to contact GTS. Since GTS did not communicate with the Department, and did not even file an answer to the OTSC, there is no mitigation to consider. Such conduct demonstrates a lack of accountability and warrants the maximum civil penalty of \$2,000 for each offense for a total civil penalty of \$24,000.

Accordingly, based upon the foregoing discussion, the following proposed order shall issue:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

Commonwealth of Pennsylvania,	:	
Department of Banking and Securities,	:	
Bureau of Securities Licensing,	:	
Compliance and Examinations,	:	
Petitioner	:	
	:	
v.	:	Docket No. 260006 (BNK ORD)
	:	
Gary Towing Service	:	
& Road Asisten, LLC	:	
Respondent	:	

PROPOSED ORDER

AND NOW, April 20th 2026, in accordance with the foregoing findings of fact, conclusions of law and discussion, it is **ORDERED** that Gary Towing Service & Road Asisten, LLC (“GTS”) is **IN DEFAULT** of filing an Answer to the Order to Show Cause that had been issued against it in the above-captioned matter, and therefore GTS is **DEEMED TO HAVE ADMITTED** the averments of the Order to Show Cause; and the violations are **AFFIRMED**.

IT IS THEREFORE FURTHER ORDERED that upon consideration of the foregoing Findings of Fact and Conclusions of Law, GTS shall pay a **CIVIL PENALTY** of Two Thousand Dollars (\$2,000.00) for each violation, for a total penalty of Twenty Four Thousand Dollars (\$24,000.00) pursuant to Section 6274 of the Consumer Credit Code (“CCC”), 12 Pa.C.S. § 6274. GTS shall make said payment within 30 days through the Department’s secure portal (<https://www.portal.dobs.pa.gov>).

IT IS FURTHER ORDERED that GTS shall **immediately cease** from engaging in any further collector-repossessor activity unless or until it is licensed by the Department.

This Proposed Order shall be effective as a Final Order in accordance with 1 Pa. Code § 35.226(a)(3) in forty days unless a Brief on Exceptions is filed within thirty days in accordance

with 1 Pa. Code § 35.211 or the Secretary initiates a review within forty days in accordance with 1 Pa. Code § 35.226(a)(2).

BY ORDER:

Redacted

Carlton M. Smith
Hearing Examiner

For the Department:

Minh Le, Esq.
Commonwealth of Pennsylvania
Department of Banking and Securities
Market Square Plaza
17 North Second Street, Suite 1300
Harrisburg, PA 17101

Respondent:

Gary Towing Service & Road Asisten, LLC
21 N Main Street
Dover, Pennsylvania 17315

Redacted

Docket Clerk:
(w/ original)

Jamie Reed
Administrative Officer
Department of Banking and Securities
Market Square Plaza
17 North Second Street, Suite 1300
Harrisburg, PA 17101

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES**

COMMONWEALTH OF PENNSYLVANIA	:
DEPARTMENT OF BANKING AND	:
SECURITIES, COMPLIANCE OFFICE	:
v.	: Docket No. 260006 (BNK-ORD)
GARY TOWING SERVICE	:
& ROAD ASISTEN, LLC	:
	:
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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2026, I served a true and correct copy of the attached Letter and Proposed Report in accordance with the requirements of 1 Pa. Code § 33.31 (relating to service by agency), in the manner indicated below:

By Hand Delivery Mail:

Minh “Eric” Le, Esquire
17 North 2nd Street, Suite 1300
Harrisburg, PA 17101
minhle@pa.gov

By United States First Class Mail:

Gary Towing Service & Road Asisten, LLC
21 N Main Street
Dover, PA 17315

Redacted

By:

Redacted

Jamie Reed, Docket Clerk
PA Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, Pennsylvania 17101

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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

v. :

GARY TOWING SERVICE :
& ROAD ASISTEN, LLC :

DOCKET NO. 260006 (BNK-ORD)

CERTIFICATE OF SERVICE

On behalf of the agency, I certify that I have this day caused to be served a copy of the foregoing *Final Order* upon the following persons pursuant to 1 Pa. Code §§ 33.31:

**BY CERTIFIED AND FIRST-
CLASS MAIL:**

Gary Towing Service & Road
Asisten, LLC
21 N Main Street
Dover, Pennsylvania 17315
(Respondent)

Gary Towing Service & Road
Asisten, LLC
Redacted

(Respondent)

BY HAND DELIVERY:

Minh "Eric" Le, Assistant Counsel
Commonwealth of Pennsylvania
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101
*Counsel for the Bureau of Securities
Compliance and Examinations*

Dated this 21 day of July, 2026

Redacted

Jamie Reed, Docket Clerk
PA Banking and Securities Commission
17 N. 2nd Street, Suite 1300
Harrisburg, PA 17101
Telephone: (717) 787-5783