

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: The Car Store, Inc.

Case No. 17-256

CONSENT ORDER

The State of New Hampshire Banking Department (“Department”), acting in agreement with the respondent, The Car Store, Inc. (“TCS”), finds and orders as follows:

Jurisdiction

Pursuant to RSA 361-A:2, I, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “engage in the business of a sales finance company” in New Hampshire. Pursuant to RSA 361-A:6-a, the Department is authorized to examine the business affairs of any licensee or non-licensee sales finance company to determine compliance with RSA 361-A.

Background

TCS is a New Hampshire corporation with a principal office location in Nashua, New Hampshire, and a New Hampshire sales finance company-licensee. Pursuant to its authority under 361-A:6-a, I, the Department, through the Consumer Credit Division, conducted an examination of TCS, who fully cooperated with the Department regarding its unlicensed activity.

Through its examination, the Department found that between 2015 and 2016, TCS conducted unlicensed sales finance company activity with consumers in violation of RSA 361-A:2, I. TCS mostly operates a small repair shop and inspection station and was informed it needed to be licensed as a New Hampshire sales finance company in order to conduct “buy here pay here” activity. TCS’s motor vehicle loans provided to thirteen (13) New Hampshire

consumers were paid off prior to licensure.

TCS is barred from recovering the finance charge, delinquency or collection charge obtained from the following consumers during the time period it was not licensed by the Department¹. TCS shall provide restitution, totaling \$115.75, as follows:

Consumer 3: \$4.25;

Consumer 7: \$71.50;

Consumer 9: \$15.00; and

Consumer 12: \$25.00.

Acknowledgments

WHEREAS, TCS makes the following acknowledgements:

1. TCS voluntarily enters into and signs this Consent Order without reliance upon any discussions between the Department and TCS, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation or coercion of any kind.
2. TCS understands the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
3. TCS acknowledges, understands, and agrees that it has the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. TCS further acknowledges it waives the filing of any civil actions related to this matter.
4. TCS understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
5. TCS represents and warrants that it has all the necessary rights, powers and abilities

¹ RSA 361-A:11, III

to carry out the terms of this Consent Order.

6. TCS acknowledges that the Department is relying upon TCS's representations and warranties stated herein in making its determinations in this matter.
7. TCS acknowledges that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against TCS if the Department later learns that TCS knowingly or willfully withheld information from the Department.
8. This Consent Order is binding on all heirs, assigns and successors in interest.


Order

Pursuant to RSA 361-A:5, VI, the Commissioner finds this action necessary or appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of RSA Chapter 361-A. Accordingly, the Bank Commissioner orders as follows:


1. TCS shall provide immediate restitution to Consumers 3, 7, 9 and 12 with a bank check made payable to each consumer and shall provide a copy of the cancelled checks to the Department. The checks shall include the following explanation: "This refund is provided through a Consent Order (Docket #17-256) entered into with the New Hampshire Banking Department. Should you have any questions, please contact the New Hampshire Department at 603-271-3561."
2. TCS shall remit an administrative fine in the amount of \$6,000, which shall be paid in twelve (12) monthly installments of \$500. Each payment of \$500 shall be made by bank check made payable to the "State of New Hampshire" and shall be due on the 1st of each month, beginning on September 1, 2018.

3. TCS shall remit payment of \$1,590, which represents the investigation costs herein. Such payment shall be made contemporaneously with TCS's execution of this Consent Order, by bank check made payable to the "State of New Hampshire."
4. Failure by TCS to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license revocation and monetary penalties.
5. This Order fully resolves this matter and the Commissioner will not take further action against TCS for the allegations presented herein. However, the Department may take enforcement action against TCS for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by TCS and reflected herein is subsequently discovered to be untrue.
6. This Consent Order shall become final when issued.


Recommended by:



Maryam Torben Desfosses
Hearings Examiner
New Hampshire Banking Department



Date

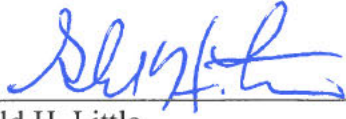


Pavlo Nikolas Grillakis
Owner
The Car Store, Inc.



Date

SO ORDERED.



Gerald H. Little
Bank Commissioner
New Hampshire Banking Department

8/22/18

Date