

APR 25 2011

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE
DEALER SERVICES DIVISION

INDIANA
SECRETARY OF STATE

IN THE MATTER OF:)
) Cause No. DLR 11-0102 CA
TRIPLE M MOTORS, INC.)
and THOMAS MARACICH,)
)
Respondents.)

CONSENT AGREEMENT

The Office of the Indiana Secretary of State, Dealer Services Division (the "Division") and Respondents, Triple M Motors, Inc. ("TMM") and Thomas Maracich ("Maracich"), agree and stipulate to the following:

1. The Dealer Services Division ("Division") is a division of the Office of the Secretary of State. The Division has jurisdiction over matters relating to automobile dealers, as provided by Indiana Code § 9-23-0.7-1.

2. TMM is a business entity that provided the Division with a last known business address of 100 N. Center Street, Suite 306, Mishawaka, Indiana, 46544.

3. TMM is a wholesale dealer, or other entity defined by Indiana Code § 9-23-2-1, that holds Indiana dealer license #801203.

4. On or about December 6, 2010, the Division received information that TMM and Maracich had conducted an unpermitted and unauthorized offsite sale of a 2009 Nissan Altima with a Vehicle Identification Number of #1N4AL21E19C150783, ("2009 Nissan") in violation of Indiana Code §9-23-2-6.

5. This Consent Agreement deals only with TMM's and Maracich's unpermitted and unauthorized retail sale of the 2009 Nissan.

6. In order to amicably resolve this matter and avoid the expense, inconvenience, and uncertainty of further administrative proceedings, TMM, Maracich, and the Division agree as follows:

(a) TMM and Maracich waive their right to a hearing pursuant to Indiana Code. § 9-23-2-14(d).

(b) TMM and Maracich waive their right to an appeal pursuant to Indiana Code § 9-23-2-17.

(c) TMM and Maracich shall pay a total civil monetary penalty of One Thousand, Two Hundred Dollars (\$1,200.00) to the Division.

(d) TMM and Maracich agree not to violate any statutes or administrative regulations that pertain to dealers including, but not limited to, the Indiana Motor Vehicles Manufacturers, Distributors, and Dealers Act, Indiana Code § 9-23-2.

7. The failure of TMM and Maracich to adhere to the terms of this Consent Agreement shall constitute grounds for administrative action against TMM and Maracich and any party involved in the violation.

8. This Consent Agreement is executed in the public interest to avoid the necessity and burden of a public hearing. It does not constitute a finding or determination against TMM or Maracich of any violation of the Act or the rules and regulations promulgated thereunder. Nor does it constitute abandonment of the claims raised by the Division. The entry of this Consent Agreement merely reflects the parties' mutual desire to resolve this matter without the burden and expense of formal administrative proceedings. This Consent Agreement may be used to show repetitive conduct should TMM or Maracich commit future violations of the Act.

9. The parties to this Consent Agreement agree that all the terms of the Agreement

are contractual and that none is a mere recital.

10. This Consent Agreement may be executed in multiple counterparts, each of which shall be considered binding on all parties.

11. This Consent Agreement is expressly subject to the approval of the Commissioner, and should the Commissioner fail or refuse, for any reason, to approve this Consent Agreement, the same shall be of no force or effect, and it shall not be admissible into evidence nor referred to any hearing held in connection with the matters referred to herein.

TRIPLE M MOTORS, INC.

INDIANA SECRETARY OF STATE
DEALER SERVICES DIVISION

By: [Signature]

By: [Signature]

Printed: THOMAS MARACICH

Ashley Humphries
Enforcement Attorney

Title: President

Date: 4/19/11

Date: 4-21-11

THOMAS MARACICH

[Signature]

APPROVED and ORDERED at Indianapolis Indiana this 25TH day of APRIL, 2011.

CHARLES P. WHITE
INDIANA SECRETARY OF STATE

[Signature]

CHRIS NAYLOR
SECURITIES COMMISSIONER

