

FILED
SECURITIES DIVISION

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INDIANA
SECRETARY OF STATE

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

IN THE MATTER OF:)
) Cause No. DLR 11-0200 RO
QUINCY MOTORS, INC. and)
QUINCY LOWE,)
)
Respondents.)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, JUDGMENT, AND FINAL ORDER**

The Staff of the Office of the Indiana Secretary of State – Auto Dealer Services Division (“Division”), filed a Notice of Default in reference to Respondents, Quincy Motors, Inc. (“Quincy”) and Quincy Lowe (“Lowe”), for failure to file an answer to the Petition for Order of Revocation and Order of Revocation within the fifteen (15) day time period allotted by the Order of Revocation filed in the above-captioned matter on June 27, 2011.

Having considered the pleadings, the Securities Commissioner now enters the following Findings of Fact, Conclusions of Law, Judgment and Final Order.

I. FINDINGS OF FACT

1. Quincy Motors, Inc. (“Quincy”) is a business entity. Quincy has a last known business address of 49 S. Main St., Ste. 351, Linton, Indiana, 47441.
2. Lowe is an individual and the President of Quincy. Lowe has a last known residential address of [REDACTED]
3. On or about June 27, 2011, the Division filed a Petition for Order of Revocation against Respondents, Quincy and Lowe.

4. On June 27, 2011, the Commissioner issued an Order of Revocation, ordering Quincy and Lowe to file an answer to the Petition for Order of Revocation within fifteen (15) days following the date of their receipt of the service of the Order of Revocation.

5. On June 28, 2011, the Petition for Order of Revocation and the Order of Revocation were mailed via Certified Mail, Return Receipt Requested, to both Respondents at their last known addresses.

6. On June 30 2011, the Petition for Order of Revocation and the Order of Revocation were signed for by G. Arthur at Quincy's and Lowe's last known business address.

7. On or about April 13, 2009, Quincy filed an "Application for Dealer Business License" with the Division giving a business address of 49 S. Main St., Ste. 351, Linton, Indiana, 47441. Pet. for Rev. ¶ 10.

8. On September 16, 2010, Mauricio Kiglies ("Kiglies"), the owner of the property at 49 S. Main St., Ste. 351, Linton, Indiana, 47441, signed an affidavit, before a notary public, stating that as of July 1, 2010, Quincy was notified they have been constructively evicted from their principal place of business. *Id.* at ¶ 11.

9. Quincy and Lowe failed to notify the secretary of state that QUINCY was going to cease business operations. *Id.* at ¶ 12.

10. Quincy and Lowe have failed to file an answer to the Petition for Order of Revocation or a motion for extension of time to answer the Petition for Order of Revocation on or before fifteen (15) days after proper service was effected on Quincy and Lowe as required by the Order of Revocation.

II. CONCLUSIONS OF LAW

11. All Findings of Fact are incorporated by reference as Conclusions of Law, and all Conclusions of Law are incorporated as Findings of Fact.

12. The Auto Dealer Services Division (“Division”) is a division of the Office of the Secretary of State and has jurisdiction over persons engaging in the business of buying or selling motor vehicles, as provided by Indiana Code § 9-23-2 (“Dealers Act”).

13. Pursuant to Indiana Code § 9-23-0.7-1, the Secretary of State may delegate any or all of the rights, duties, or obligations of the Secretary of State under this article to: (1) the Securities Commissioner (“Commissioner”) appointed under Indiana Code § 23-19-6-1(a), or (2) another designee under the supervision and control of the Secretary of State.

14. The Act authorizes the Commissioner, among other things, to regulate the licensing of (1) an automobile auctioneer, (2) a converter manufacturer, (3) a dealer, (4) a distributor, (5) a distributor branch, (6) a distributor representative, (7) a factory branch, (8) a factory representative, (9) a manufacturer, (10) a transfer dealer, or (11) a wholesale dealer. *See* Indiana Code § 9-23-2-1.

15. This action was brought pursuant to the enforcement authority conferred by Indiana Code § 9-23-2-14, wherein the Commissioner has, *inter alia*, the authority to deny, suspend, or revoke a license issued under this chapter.

Prohibited Acts

16. Indiana Code § 9-23-2-11(1) states the following:

“A person who ceases a business activity for which a license was issued under this chapter shall do the following: Notify the secretary of state of the date that the business activity will cease.”

17. Quincy and Lowe are in violation of Indiana Code § 9-23-2-11(1) for failing to notify the secretary of state of the date their business activity ceased.

18. Indiana Code § 9-23-2-2(a)(3)(B) states the following:

“[A]n application for a license...must: [c]ontain the information the secretary of state considers necessary to enable the secretary of state to determine fully the following information: The location of each of the applicant's places of business in Indiana.”

19. Quincy and Lowe are in violation of Indiana Code § 9-23-2-2(a)(3)(B) because Quincy is no longer located at the address listed in its license application. Quincy’s license application also contains a material misrepresentation in violation of Indiana Code § 9-23-2-14(c)(1).

20. Additionally, Indiana Code § 9-23-2-11(2) states,

“A person who ceases a business activity for which a license was issued under this chapter shall do the following: Deliver all permanent dealer license plates and interim license plates issued to the person to the bureau within ten (10) days of the date the business activity will cease.”

21. Quincy and Lowe are in violation of Indiana Code § 9-23-2-11(2) for failing to deliver to the Division, within ten (10) days of the date business activity ceased, all permanent dealer license plates and interim license plates that were issued.

III. JUDGMENT AND FINAL ORDER

Upon Consideration of the foregoing Findings of Fact and Conclusions of Law, the Securities Commissioner now determines that Quincy and Lowe were properly served with the Petition for Order of Revocation. Nevertheless, Quincy and Lowe each failed to file an answer to the Petition. Therefore, Quincy and Lowe are deemed to be in default, and the allegations set forth in the Petition as to all Respondents are deemed to be true.

THE COMMISSIONER HEREBY ORDERS THAT:

- A. Quincy and Lowe shall immediately and PERMANENTLY CEASE AND DESIST from violating any provision of the Indiana Dealer Services Act;
- B. Quincy and Lowe are permanently barred from dealer services in Indiana and from engaging in any activity requiring registration or licensing with the Indiana Auto Dealer Services Division;
- C. Quincy and Lowe shall pay a civil penalty in the amount of Five Thousand Dollars (\$5,000.00); and
- D. Quincy and Lowe, jointly and severally, shall disgorge all monies received while operating as dealers.

ORDERED at Indianapolis, Indiana this 17TH day of JANUARY, 2012.



CHARLES P. WHITE
INDIANA SECRETARY OF STATE

A handwritten signature in black ink, appearing to read "CN", is written over the printed name of Chris Naylor.

CHRIS NAYLOR
SECURITIES COMMISSIONER