

FEB 29 2012

INDIANA
SECRETARY OF STATE

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

IN THE MATTER OF:)
) Cause No. DLR 12-0016 CA
BUNNY'S AUTO SALES III,)
)
Respondent.)

CONSENT AGREEMENT

The Office of the Indiana Secretary of State, Auto Dealer Services Division (the "Division") and Respondent Bunny's Auto Sales III ("BAS") agree and stipulate to the following:

1. The 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. BAS is a business entity that provided the Division with a last known business address of 4939 N. Post Road, Lafayette, Indiana, 46266.
3. BAS is a dealer, or other entity defined by Indiana Code § 9-23-2-1, that holds Indiana dealer license #407879.
4. On or about November 11, 2011, the Division received information that BAS had conducted at least six (6) unpermitted and unauthorized offsite sales in violation of Indiana Code § 9-23-2-6.
5. This Consent Agreement deals only with BAS' unpermitted and unauthorized offsite sales violations that occurred prior to the last date of the signing of this Consent Agreement.

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

(a) BAS waives its right to a hearing pursuant to Indiana Code § 9-23-2-14(d).

(b) BAS waives its right to an appeal pursuant to Indiana Code § 9-23-2-17.

(c) BAS shall pay a total civil monetary penalty of Five Thousand, Four Hundred Dollars (\$5,400.00) to the Division. Two Thousand, Four Hundred Dollars (\$2,400.00) will be due to the Division on or before February 14, 2012. The remaining balance of Three Thousand Dollars (\$3,000.00) will be suspended pending a satisfactory audit of BAS' business premises and sales records, which will be conducted no more than six (6) months from the date of the filing of this Consent Agreement. Should the audit of BAS' business premises and sales records indicate that BAS has continued to violate Indiana Code § 9-23-2-6, BAS shall pay the remaining suspended fine balance of Three Thousand Dollars (\$3,000.00) to the Division within sixty (60) days of being notified by the Division that additional violations of Indiana Code § 9-23-2-6 have been discovered.

(d) BAS agrees 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 BAS to adhere to the terms of this Consent Agreement shall constitute grounds for administrative action against BAS and any party involved in the violation.

8. This Consent Agreement may be used to show repetitive conduct should BAS 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.

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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.

BUNNY'S AUTO SALES III

INDIANA SECRETARY OF STATE
AUTO DEALER SERVICES DIVISION

By: Brian Robertson

By: Ashley Humphries

Printed: Brian Robertson

Ashley Humphries
Enforcement Attorney

Title: owner

Date: 2-19-2012

Date: 2/28/12

APPROVED and ORDERED at Indianapolis Indiana this 29TH day of FEBRUARY, 2012.

OFFICE OF THE INDIANA
SECRETARY OF STATE



CHRIS NAYLOR
SECURITIES COMMISSIONER

