

MAR 06 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 12-0059 CA
M AND M AUTO SALES,)
)
Respondent.)

CONSENT AGREEMENT

The Office of the Indiana Secretary of State, Auto Dealer Services Division (the “Division”) and Respondent M and M Auto Sales (“M and M”) agree and stipulate to the following:

1. The Auto Dealer Services Division (“Division”) is a division of the Office of the Secretary of State. The Division has jurisdiction over matters retaliate to automobile dealers, as provided by Indiana Code § 9-23-0.7-1.
2. M and M is a business entity that provided the Division with a last known business address of 350 Commerce Square, #R, Michigan City, Indiana, 46360.
3. M and M is a dealer, or other entity defined by Indiana Code § 9-23-2-1, that holds Indiana dealer license #410235.
4. On November 9, 2011, the Division discovered that M and M had ceased its business operations at its business premises.
5. M and M did not inform the Division of its cessation of business activities and did not return its dealer plates to the Division upon cessation of their business activities, both of which are actions constituting violations of Indiana Code § 9-23-2-11.
6. This Consent Agreement deals only with M and M’s alleged violations referenced herein.

7. In lieu of a hearing on the matters as alleged by the Division M and M and the Division agree as follows:

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

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

(c) M and M shall pay a total civil monetary penalty of Two Hundred, Fifty Dollars (\$250.00) to the Division.

(d) M and M 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.

(e) M and M will submit a Change of Address application to the Division together with this signed Consent Agreement and the civil monetary penalty.

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

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.

M AND M AUTO SALES

INDIANA SECRETARY OF STATE
AUTO DEALER SERVICES DIVISION

By: Jonathan Tran

By: Ashley Humphries
Ashley Humphries
Enforcement Attorney

Printed: JONATHAN TRAN

Title: Owner

Date: 2-20-2012

Date: 3/5/12

APPROVED and ORDERED at Indianapolis, Indiana this 6TH day of MARCH, 2012.



OFFICE OF THE INDIANA
SECRETARY OF STATE

CHRIS NAYLOR
SECURITIES COMMISSIONER