

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 12-0085 CA
STOOPS FREIGHTLINER-QUALITY)	
TRAILER, INC.,)	
)	
Respondent.)	

CONSENT AGREEMENT

The Office of the Indiana Secretary of State, Auto Dealer Services Division (the “Division”) and Respondent Stoops Freightliner-Quality Trailer, Inc. (“SFQT”) 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 relating to automobile dealers, as provided by Indiana Code § 9-23-0.7-1.

2. SFQT is a business entity that provided the Division with a last known business address of 1851 W. Thompson, Indianapolis, IN 46217.

3. SFQT is also a dealer, or other entity defined by Indiana Code § 9-23-2-1, that holds Indiana dealer license #404387.

4. On December 12, 2011, an investigator with the Division conducted an inspection of SFQT’s place of business and discovered that in at least nine (9) instances, multiple interim plates were issued to the purchasers of their respective vehicles in violation of 75 Indiana Administrative Code § 2-2-13.

5. Additionally, on or about December 12, 2011, the Division received information that that SFQT has failed to maintain proper records regarding interim plate use as required by Indiana Code § 9-18-26-18.

6. This Consent Agreement deals only with the violations referenced herein and committed by SFQT prior to the last date on which this Consent Agreement is signed.

7. In lieu of further administrative proceedings, SFQT and the Division agree as follows:

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

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

(c) SFQT shall pay a total civil monetary penalty of Five Thousand Dollars (\$5,000.00) to the Division. Two Thousand, Five Hundred Dollars (\$2,500) will be due to the Division on or before March 13, 2012. The remaining balance of Two Thousand, Five Hundred Dollars (\$2,500) will be suspended pending a satisfactory audit of SFQT's 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 SFQT's business premises and sales records indicate that SFQT have continued to violate the statutes and regulations referenced herein, SFQT shall pay the remaining suspended fine balance of Two Thousand, Five Hundred Dollars (\$2,500) to the Division within sixty (60) days of being notified by the Division that the herein referenced additional violations have been discovered.

(d) SFQT 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.

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

9. This Consent Agreement may be used to show repetitive conduct should SFQT commit future violations of the Act.

10. The parties to this Consent Agreement agree that all the terms of the Agreement are contractual and that none is a mere recital.

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

12. 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.

-- Please see following page for continuation of this Consent Agreement. --

STOOPS FREIGHTLINER-QUALITY TRAILER, INC.

INDIANA SECRETARY OF STATE AUTO DEALER SERVICES DIVISION

By: John R. Frigge

By: Ashley Humphries
Ashley Humphries
Enforcement Attorney

Printed: John R. Frigge

Title: Secretary

Date: 2/27/12

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

CHRIS NAYLOR
SECURITIES COMMISSIONER