

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

Top Notch Used Cars, LLC
License No. IS - 0017617

Enforcement Case No. 11-11241

Respondent
_____ /

Issued and entered
on 6-24 2011
by Annette E. Flood
Chief Deputy Commissioner

CONSENT ORDER AND STIPULATION

A. FINDING OF FACTS AND CONCLUSIONS OF LAW

It is alleged that the following statements are true and correct:

1. Top Notch Used Cars, LLC was licensed as an installment seller under the Motor Vehicle Sales Finance Act from November 17, 2005 to June 30, 2007.
2. On January 24, 2011, Office of Financial and Insurance Regulation ("OFIR") Examiners conducted an on-site visit to Top Notch Used Cars, LLC, to observe, review installment sales contracts and determine whether installment sales transactions activities were being conducted without an Installment Sales (IS) license.
3. During the on site visit, OFIR Examiners met with Todd V. Gatewood, Manager of Top Notch Used Cars, LLC and reviewed company records; and it was confirmed and documented that installment sales activities were being conducted at this location.
4. Top Notch Used Cars, LLC was not licensed at the time of the examination.
5. On January 25, 2011, Top Notch Used Cars, LLC submitted an Installment Seller or Sales Finance Company License Application.
6. On February 15, 2011, OFIR licensed Top Notch Used Cars, LLC as an Installment Seller.
7. As a former licensee, Top Notch Used Cars, LLC knew or had reason to know that Section 2 of the Motor Vehicle Sales Finance Act (the Act), 1950 PA 27, as amended,

MCL 492.101 *et seq.*, provides that a "Installment seller" or "seller" means a person engaged in the business of selling, offering for sale, hiring, or leasing motor vehicles under installment sale contracts or a legal successor in interest to that person. As used in this subdivision, "business" does not include an isolated sale.

8. As a former licensee, Top Notch Used Cars, LLC further knew or had reason to know that Section 3 of the Act provides that a person shall not engage in this state as a principal, employee, agent, or broker in the business of an installment seller of motor vehicles under installment sale contracts.
9. As a former licensee, Top Notch Used Cars, LLC further knew or had reason to know that Section 37 of the Act, provides that any person or business however organized thereof who or which shall wilfully or intentionally engage in this state in business as installment seller or sales finance company as defined in this act without having obtained a license, as required under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than \$5,000.00, or to suffer imprisonment of not more than 3 years, or both, at the discretion of the court.
10. Based upon the actions listed above, Top Notch Used Cars, LLC has committed acts that are grounds for the Commissioner ordering payment of a civil fine for Top Notch Used Cars LLC's violation of Section 3 of the Act.

B. ORDER

Based upon the findings of fact and conclusions of law above, and Respondent's stipulation to said facts, it is hereby ORDERED that:

1. Respondent shall immediately cease and desist from operating in a manner that violates Section 3 of the Motor Vehicle Sales Finance Act, MCL 492.103.
2. Respondent shall pay to the State of Michigan, a civil fine of One Thousand Dollars (\$1,000.00). Upon issuance and entry of this Order, OFIR will send an Invoice to Respondent, and Respondent shall pay the fine by the due date printed on the Invoice.

OFFICE OF FINANCIAL AND
INSURANCE REGULATION

By: 
Annette E. Flood
Chief Deputy Commissioner

C. . STIPULATION

I have read and understand the consent order above. I agree that the Chief Deputy Commissioner has jurisdiction and authority to issue this consent order pursuant to the Motor Vehicle Sales Finance Act. I waive the right to a hearing in this matter if this consent order is issued. I understand that this stipulation and consent order will be presented to the Chief Deputy Commissioner for approval and the Chief Deputy Commissioner may or may not issue this consent order. I waive any objection to the Chief Deputy Commissioner deciding this case following a hearing in the event the consent order is not approved. I admit the facts set forth in the above consent order and agree to the entry of this order.



Authorized Representative of
Top Notch Used Cars, LLC
~~License No. IS - 0017617~~

Print Name/Title: TODD V. GATEWOOD MGR.

Dated: 6-14-2011

OFIR staff approves this stipulation and recommends that the Chief Deputy Commissioner issue the above Consent Order.



William R. Peattie

Dated: 6/21/11

