

JAN 09 2013

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

INDIANA  
SECRETARY OF STATE

IN THE MATTER OF: )  
 ) Cause No. DLR 12-0291 CA  
RIVERWOOD SAPP EQUIPMENT, )  
 )  
Respondent. )

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**CONSENT AGREEMENT**

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The Office of the Indiana Secretary of State, Auto Dealer Services Division (the "Division") and Respondent Riverwood Sapp Equipment ("RSE") 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. RSE is a business entity that provided the Division with a last known business address of 14000 N. Olio Road, Noblesville, Indiana, 46060.
3. RSE is a dealer, or other entity defined by Indiana Code § 9-23-2-1, that holds Indiana dealer license #403837.
4. On or about August 3, 2012, the Division received information that RSE had displayed at least twelve (12) vehicles for sale at a place away from its established place of business, actions equating to unlicensed offsite sales in violation of Indiana Code § 9-23-2-6.
5. Additionally, on August 3, 2012, a Division investigator conducted an inspection of RSE's place of business and discovered that at least three (3) interim plates were issued to the purchaser of a vehicle, Vehicle Identification Number ending 607368, in violation of 75 Indiana Administrative Code § 2-2-13.

6. This Consent Agreement deals only with RSE's unpermitted and unauthorized offsite sales on and prior to August 3, 2012.

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

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

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

(c) RSE shall pay a total civil monetary penalty of Seven Hundred, Five Hundred Dollars (\$750.00) to the Division on or before January 31, 2013.

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

9. This Consent Agreement may be used to show repetitive conduct should RSE 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.

RIVERWOOD SAPP EQUIPMENT

INDIANA SECRETARY OF STATE  
AUTO DEALER SERVICES DIVISION

By: Allen F. Sapp

By: Ashley Humphries

Printed: ALLEN F. SAPP

Ashley Humphries  
Enforcement Attorney

Title: OWNER/PARTNER

Date: 1-4-2013

Date: 1/4/13

APPROVED and ORDERED at Indianapolis Indiana this 9<sup>TH</sup> day of JANUARY <sup>2013</sup>~~2012~~

CONNIE LAWSON  
INDIANA SECRETARY OF STATE



CHRIS NAYLOR  
INDIANA SECURITIES COMMISSIONER

