

UNITED STATES OF AMERICA
CONSUMER FINANCIAL PROTECTION BUREAU

File No. 2014-CFPB-0017

In the Matter of:

**DriveTime Automotive Group, Inc.
and DT Acceptance Corp.**

**STIPULATION AND CONSENT
TO THE ISSUANCE OF A
CONSENT ORDER**

The Consumer Financial Protection Bureau (Bureau) intends to initiate an administrative proceeding against DriveTime Automotive Group, Inc. and its affiliate finance company DT Acceptance Corporation (collectively DriveTime), under 12 U.S.C. §§ 5563 and 5565, for (1) engaging in unfair acts and practices in violation of the Consumer Financial Protection Act of 2010 (CFPA), 12 U.S.C. §§ 5531, 5536, by failing: (A) to prevent account servicing and collection calls to consumers' workplaces after consumers asked DriveTime to stop such calls; (B) to prevent calls to consumers' third party references after the references or consumers asked DriveTime to stop calling them; and (C) to prevent calls to people at wrong numbers after they have asked DriveTime to stop calling; and (2) furnishing information to consumer reporting agencies that DriveTime had reasonable cause to believe was inaccurate, failing to correct or delete inaccurate information within a reasonable time after learning of the inaccuracies, and failing to establish and/or implement reasonable written policies and procedures regarding the "accuracy" and "integrity" of the information it furnished to consumer reporting agencies, in violation of the Fair Credit Reporting Act (FCRA), 15

U.S.C. §§ 1681, *et seq.*, and its implementing regulation, the Furnisher Rule, Subpart E of Regulation V, 12 C.F.R. §§ 1022.42(a) and (c).

DriveTime, in the interest of compliance and resolution of the matter, consents to the issuance of a Consent Order substantially in the form of the one to which this Stipulation and Consent to the Issuance of a Consent Order is attached (Consent Order), and which is incorporated by reference.

In consideration of the above premises, DriveTime agrees to the following:

Jurisdiction

1. The Bureau has jurisdiction over this matter under Sections 1053 and 1055 of the Consumer Financial Protection Act (CFPA), 12 U.S.C. §§ 5563, 5565; and (b) Section 621 of the FCRA, 15 U.S.C. § 1681s.

Consent

2. DriveTime agrees to the issuance of the Consent Order, without admitting or denying any of the findings of fact or conclusions of law, except that DriveTime admits the facts necessary to establish the Bureau's jurisdiction over DriveTime and the subject matter of this action.
3. DriveTime agrees that the Consent Order will be deemed an "order issued with the consent of the person concerned" under 12 U.S.C. § 5563(b)(4), and agrees that the Order will become a final order, effective upon issuance, and will be fully enforceable by the Bureau under 12 U.S.C. §§ 5563(d)(1) and 5565.
4. DriveTime voluntarily enters into this Stipulation and Consent to the Issuance of a Consent Order.


5. The Consent Order resolves only DriveTime's potential liability for law violations that the Bureau asserted or might have asserted based on the practices described in Section IV of the Consent Order, to the extent such practices occurred before the Effective Date and the Bureau knows about them as of the Effective Date. DriveTime acknowledges that no promise or representation has been made by the Bureau or employee, agent, or representative of the Bureau, about any liability outside of this action that may have arisen or may arise from the facts underlying this action or immunity from any such liability.
6. DriveTime agrees that the facts described in Section IV of the Consent Order will be taken as true and be given collateral estoppel effect, without further proof, in any proceeding before the Bureau based on the entry of the Consent Order, or in any subsequent civil litigation by the Bureau to enforce the Consent Order or its rights to any payment or monetary judgment under the Consent Order.
7. The terms and provisions of this Stipulation and the Consent Order will be binding upon, and inure to the benefit of, the parties hereto and their successors in interest.
8. DriveTime agrees that the Bureau may present the Consent Order to the Bureau Director for signature and entry without further notice.

Waivers

9. DriveTime, by consenting to this Stipulation, waives:
 - a. Any right to service of the Consent Order, and agrees that issuance of the Consent Order will constitute notice to DriveTime of its terms and conditions;
 - b. Any objection to the jurisdiction of the Bureau, including, without limitation, under Section 1053 of the CFPA;

- c. The rights to all hearings under the statutory provisions under which the proceeding is to be or has been instituted; the filing of proposed findings of fact and conclusions of law; proceedings before, and a recommended decision by, a hearing officer; all post-hearing procedures; and any other procedural right available under 12 U.S.C. § 5563 or 12 CFR Part 1081;
- d. The right to seek any administrative or judicial review of the Consent Order;
- e. Any claim for fees, costs or expenses against the Bureau, or any of its agents or employees, and any other governmental entity, related in any way to this enforcement matter or the Consent Order, whether arising under common law or under the terms of any statute, including, but not limited to the Equal Access to Justice Act and the Small Business Regulatory Enforcement Fairness Act of 1996; for these purposes, DriveTime agrees that DriveTime is not the prevailing party in this action because the parties have reached a good faith settlement;
- f. Any other right to challenge or contest the validity of the Consent Order;
- g. Such provisions of the Bureau's rules or other requirements of law as may be construed to prevent any Bureau employee from participating in the preparation of, or advising the Director as to, any order, opinion, finding of fact, or conclusion of law to be entered in connection with this Stipulation or the Consent Order; and
- h. Any right to claim bias or prejudgment by the Director based on the consideration of or discussions concerning settlement of all or any part of the proceeding.

DRIVETIME AUTOMOTIVE GROUP, INC. AND DT ACCEPTANCE CORP. BY:



Jon Ehlinger

EVP/General Counsel/Secretary DriveTime and DT Acceptance

Date 11/17/2014

The undersigned directors of DriveTime each acknowledges having read this Stipulation and the Consent Order, and approves of DriveTime entering into this Stipulation.



Ernie Garcia

Director

Date: 11/17/14



Ray Fidel

Director

Date: 11/17/14



Ira Platt

Director

Date: 11/17/14

Don Sanders

Director

Date: 11/17/14

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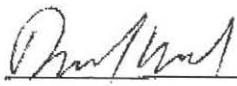
Director

Date: 11/17/14

Ira Platt

Director

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Don Sanders

Director

Date: 11/17/14

Maryann Keller

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Director

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Gregg Tryhus

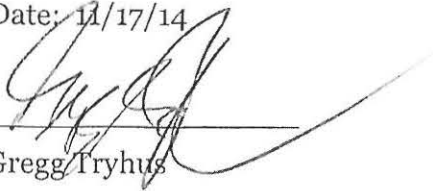
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