

OCCC CASE NO. L21-00222

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 13359	§	OFFICE OF CONSUMER
ANGEL MOCTEZUMA d/b/a	§	
ANGEL'S AUTO SALES	§	CREDIT COMMISSIONER
115 S. MAIN ST.	§	
CONROE, TEXAS 77301	§	STATE OF TEXAS

ORDER OF REVOCATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order of Revocation against Angel Moctezuma d/b/a Angel’s Auto Sales (“Angel’s Auto Sales”).¹

Statement of Facts and Law

Angel’s Auto Sales is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. As a regulated lender, Angel’s Auto Sales has received charges in connection with loans under Chapter 342 of the Finance Code, and has entered retail installment contracts for the sale of motor vehicles under Chapter 348 of the Finance Code. Angel’s Auto Sales operates under master file number 13559 at one licensed location, under license number 53599. Angel’s Auto Sales’ compliance officer is Angel Moctezuma, and its designated contact address is 115 S. Main St., Conroe, Texas 77301.

Under Chapter 342 of the Finance Code, a regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² Under Chapter 342’s implementing rules, a regulated lender must file the required annual report by May 1 for the prior calendar year’s loan activity on forms prescribed by the Commissioner, and must comply with all instructions relating to submitting the report.³

On May 26, 2016, the OCCC issued an Order to File Timely and Accurate Reports against Angel’s Auto Sales for failing to file its 2015 annual report by the deadline of May 1, 2016. Angel’s Auto Sales did not request a hearing on the

¹ Tex. Fin. Code §§ 14.208, 342.156.

² Tex. Fin. Code § 342.559.

³ 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports.

Order, and the Order became final. The Order required Angel's Auto Sales to timely file complete and accurate future annual reports. Angel's Auto Sales ultimately filed its 2015 annual report.

On May 19, 2017, the OCCC issued an Order Assessing Administrative Penalty for Violation of Injunctive Order against Angel's Auto Sales for failing to file its 2016 annual report by the deadline of May 1, 2017. Angel's Auto Sales paid the \$500.00 administrative penalty, and the Order became final. Angel's Auto Sales ultimately filed its 2016 annual report.

On July 9, 2018, the OCCC issued an Order Assessing Administrative Penalty for Violation of Injunctive Order against Angel's Auto Sales for failing to file its 2017 annual report by the extended deadline of May 18, 2018. Angel's Auto Sales paid the \$1,000.00 administrative penalty, and the Order became final. Angel's Auto Sales ultimately filed its 2017 annual report.

On December 18, 2019, the OCCC issued an Order of Revocation against Angel's Auto Sales for failing to file its 2018 annual report by the deadline of May 1, 2019. This Order was withdrawn and replaced by an Agreed Order issued on January 8, 2020. The Agreed Order required Angel's Auto Sales to file its 2018 annual report, timely file future reports, and pay a \$2,000.00 administrative penalty. By signing the Agreed Order, Angel's Auto Sales agreed that if Angel's Auto Sales violated the Agreed Order, the OCCC may impose an administrative penalty of \$1,000.00 per day and revoke Angel's Auto Sales' license. Angel's Auto Sales paid the \$2,000.00 penalty and ultimately filed its 2018 annual report.

By failing to timely file its 2020 annual report, Angel's Auto Sales has violated Chapter 342 of the Texas Finance Code and the OCCC's Order to File Timely and Accurate Annual Reports, and the subsequent Agreed Order.

Authority

If the Commissioner has reasonable cause to believe that a regulated lender is violating Chapter 342, then the Commissioner may issue an injunction ordering the regulated lender to cease and desist from the violation, to take affirmative action, or both.⁴ The Commissioner may revoke the license of a

⁴ Tex. Fin. Code § 14.208(a).

regulated lender if the Commissioner finds that the license holder knowingly or without the exercise of due care violates Chapter 342 of the Texas Finance Code, Chapter 342's implementing rules, or an order issued under Chapter 342.⁵ The Commissioner may also revoke a license if a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the Commissioner's denial of the application.⁶

Angel's Auto Sales failed to timely file its 2015 annual report, its 2016 annual report, its 2017 annual report, its 2018 annual report, and its 2020 annual report. By failing to file these reports on time, Angel's Auto Sales has repeatedly violated Chapter 342 and its implementing rules. Angel's Auto Sales has repeatedly violated the Order to File Timely and Accurate Future Reports that the OCCC issued in May 2016. Angel's Auto Sales has violated the Agreed Order issued in January 2020. Angel's Auto Sales committed these violations knowingly or without exercise of due care. These violations would have justified denial of Angel's Auto Sales' original license application, if these violations had existed or been known to exist at the time of the license application. For these reasons, the Commissioner issues this Order of Revocation.

Order

IT IS ORDERED that:

1. The regulated lender license of Angel Moctezuma d/b/a Angel's Auto Sales, license number 13559-53599, is REVOKED.
2. Angel's Auto Sales must cease and desist making, transacting, or negotiating loans under Chapter 342 of the Texas Finance Code.
3. Angel's Auto Sales must cease and desist contracting for, charging, or receiving, directly or indirectly, in connection with a loan under Chapter 342 of the Finance Code, any charge, including interest, compensation, consideration, or another expense.
4. Angel's Auto Sales must cease and desist entering new motor vehicle retail installment transactions.

⁵ Tex. Fin. Code § 342.156(2).

⁶ Tex. Fin. Code § 342.156(3).

5. Angel's Auto Sales must cease and desist collecting payments on motor vehicle retail installment transactions.
6. Angel's Auto Sales must cease and desist repossessing collateral including motor vehicles, and must cease and desist selling any collateral that it has repossessed.
7. **No later than 30 days after service of this Order**, Angel's Auto Sales must perform a self-review and identify each outstanding loan under Chapter 342 of the Texas Finance Code.
8. **No later than 30 days after service of this Order**, for each outstanding loan under Chapter 342, Angel's Auto Sales must do one of the following:
 - a. assign the loan to another person who holds a license under Chapter 342 or is otherwise authorized to make loans under Chapter 342; or
 - b. refund all interest on the loan down to an effective annual interest rate of 10%.
9. **No later than 30 days after service of this Order**, Angel's Auto Sales must perform a self-review and identify each outstanding motor vehicle retail installment transaction, including each sale of a motor vehicle for which Angel's Auto Sales is accepting payments or holds a lien.
10. **No later than 30 days after service of this Order**, for each outstanding motor vehicle retail installment transaction, Angel's Auto Sales must do one of the following:
 - a. assign the transaction to another person who holds a license under Chapter 348 or is otherwise authorized to hold retail installment contracts under Chapter 348; or
 - b. cease collecting any payments and release any lien.
11. With respect to maintaining proof of refunds:
 - a. Angel's Auto Sales must maintain complete and accurate records of all refunds, including copies of refund checks or ledgers showing account credits, until the later of the following:

- i. the fourth anniversary of the date of the loan or retail installment transaction, or
 - ii. the second anniversary of the date on which the final entry is made in the consumer's record.
- b. **No later than 40 days after service of this Order**, Angel's Auto Sales must create a spreadsheet labeled "L21-00222_Angels Auto." The spreadsheet must clearly list the total amount of refunds provided to consumers. In addition, the spreadsheet must list each transaction for which Angel's Auto Sales provided refunds, and each transaction that Angel's Auto Sales assigned to another person. The spreadsheet must include a row for each consumer and the following columns:
 - i. account number;
 - ii. name of the consumer;
 - iii. date of loan or retail installment transaction;
 - iv. dollar amount of interest;
 - v. dollar amount of interest refunded to the buyer;
 - vi. date of the refund;
 - vii. date on which Angel's Auto Sales released the lien, if applicable;
 - viii. date of the release of lien; and
 - ix. name of any person that Angel's Auto Sales assigned the transaction to, if applicable.
- c. **No later than 40 days after service of this Order**, Angel's Auto Sales must provide the OCCC with a copy of the spreadsheet. The spreadsheet must be sent by e-mail to Audrey Spalding at audrey.spalding@occc.texas.gov.

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ Your request must be made in writing and sent to the OCCC not later than 30 days after you receive this Order. You must send your request to:

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.

⁷ Tex. Fin. Code § 342.156.

Austin, Texas 78705
audrey.spalding@occc.texas.gov

If you request a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code. If you fail to request a hearing by this deadline, this Order is considered final.

All communications with the OCCC concerning this matter must be through Matthew Nance, Deputy General Counsel. You may contact him by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7660, or by email to matthew.nance@occc.texas.gov.

Signed this 16th day of September, 2021.

/s/ Leslie Pettijohn
Leslie L. Pettijohn
Consumer Credit Commissioner
State of Texas

CERTIFICATE OF SERVICE

I certify that on September 16, 2021, a true and correct copy of this Order of Revocation has been sent to Angel Moctezuma d/b/a Angel's Auto Sales by the following:

Angel Moctezuma d/b/a
Angel's Auto Sales
Attn: Angel Moctezuma,
Compliance Officer
115 S. Main St.
Conroe, TX 77301
angel.moctezuma@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0046 8633 54

Angel Moctezuma d/b/a
Angel's Auto Sales
Attn: Gloria Moctezuma,
Registered Agent
606 Garrett
Conroe, TX 77301

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0046 8633 61

/s/Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
2601 North Lamar Blvd.
Austin, Texas 78705
(512) 936-7659 (phone)
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audrey.spalding@occc.texas.gov