

OCCC CASE NO. L22-00056

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1900065681	§	OFFICE OF CONSUMER
BRIAN ANTHONY JOHNSON JR.	§	
d/b/a XC MOTORS	§	CREDIT COMMISSIONER
231 W. HIGHWAY 67	§	
DUNCANVILLE, TEXAS 75137	§	STATE OF TEXAS

**ORDER TO FURNISH INFORMATION AND ALLOW INVESTIGATION**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Furnish Information and Allow Investigation against Brian Anthony Johnson Jr. d/b/a XC Motors (“XC Motors”), based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

Under Chapter 348 of the Texas Finance Code, a person must hold a motor vehicle sales finance license issued by the OCCC in order to act as a holder of a motor vehicle retail installment contract.<sup>2</sup> A holder is a person who operates as a retail seller, or holds and collects on a contract in which the person agrees to accept the cash price of a motor vehicle in one or more deferred installments.<sup>3</sup>

XC Motors is a motor vehicle dealer that holds a motor vehicle sales finance license issued by the OCCC. XC Motors operates under master file number 1900065681 at one licensed location, under license number 164375. XC Motors’ compliance officer is Brian Johnson, and its designated contact address is 231 W. Highway 67, Duncanville, Texas 75137.

Under Chapters 14 and 348 of the Texas Finance Code, if the OCCC receives a complaint or other reasonable cause to believe that a person is violating Chapter 348, then the OCCC may require the person to furnish information, and may conduct an investigation to discover a violation or obtain required information.<sup>4</sup> At times the OCCC considers necessary, the OCCC will examine each place of

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 348.501.

<sup>3</sup> Tex. Fin. Code § 348.001(3), (7), (8).

<sup>4</sup> Tex. Fin. Code §§ 14.202, 348.514(a).

business of each licensee, and will investigate the licensee's transactions and records.<sup>5</sup> A licensee must give the OCCC free access to the licensee's office and place of business.<sup>6</sup> Under Chapter 348's implementing rules, a licensee is responsible for ensuring that all contact information on file with the OCCC is current and correct.<sup>7</sup>

In September 2021, a consumer filed a complaint with the OCCC against XC Motors, alleging wrongful repossession of a motor vehicle (complaint ID no. 118430). In October and December 2021, the OCCC sent requests for information to XC Motors, requesting all documents relating to the consumer's transaction. XC Motors did not provide the requested information to the OCCC.

As a result of this complaint, the OCCC conducted an investigation in order to obtain more information from XC Motors, and to determine whether XC Motors violated Texas law. The OCCC attempted to investigate XC Motors' licensed location at 231 W. Highway 67, Duncanville, Texas 75137. The OCCC was not able to investigate the licensed location because no one was present at the location, the building was not open to the public, and the location contained signs for a different dealership. Other attempts to contact XC Motors were not returned. On March 14, 2022, the OCCC sent a final request for information to XC Motors, requesting information about the consumer's transaction. XC Motors did not respond to this request for information.

### **Authority**

If the Consumer Credit Commissioner ("Commissioner") has reasonable cause to believe that a person is violating Chapter 14 or Chapter 348 of the Texas Finance Code, the Commissioner may issue an order to cease and desist from the violation, to take affirmative action, or both to ensure compliance.<sup>8</sup>

The Commissioner has reasonable cause to believe that XC Motors has violated Chapters 14 and 348 of the Texas Finance Code by failing to respond to the OCCC's requests for information, and by failing to allow the OCCC to conduct an investigation.

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<sup>5</sup> Tex. Fin. Code § 348.514(a).

<sup>6</sup> Tex. Fin. Code § 348.514(b).

<sup>7</sup> Tex. Admin. Code § 84.607(c).

<sup>8</sup> Tex. Fin. Code § 14.208(a).

## Order

IT IS ORDERED that:

1. XC Motors must cease and desist failing to allow the OCCC to investigate its location, records, and transactions.
2. XC Motors must allow the OCCC to examine its location, records, and transactions.
3. **No later than 30 days after the date of this Order**, XC Motors must send a letter to the OCCC stating the complete address of any location where XC Motors may be investigated and examined. The letter must also state the complete address of any location where XC Motors conducts business, keeps records of transactions, or receives payments from retail buyers. The letter must be sent by email to Matthew Nance at [matthew.nance@occc.texas.gov](mailto:matthew.nance@occc.texas.gov).
4. **No later than 30 days after the date of this Order**, XC Motors must provide the OCCC with all records relating to the consumer who filed a complaint against XC Motors in September 2021. The records must include all items requested in the OCCC's request for information sent on March 14, 2022, and must include all items required to be included in a retail installment transaction file under Title 7, Section 84.708(e)(2) of the Texas Administrative Code. These records must be sent by email to Matthew Nance at [matthew.nance@occc.texas.gov](mailto:matthew.nance@occc.texas.gov).
5. **No later than 30 days after the date of this Order**, XC Motors must ensure that all contact information for XC Motors is current and correct in the OCCC's online licensing system.

## Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.<sup>9</sup> A violation of this Order may result in revocation of your motor vehicle sales finance license.<sup>10</sup>

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<sup>9</sup> Tex. Fin. Code § 14.208(c).

<sup>10</sup> Tex. Fin. Code § 348.508.

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>11</sup> To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after the date of this Order.<sup>12</sup> You must send your request to Matthew Nance, Deputy General Counsel, by mail to 2601 N. Lamar Blvd., Austin, TX 78705, or by email to [matthew.nance@occc.texas.gov](mailto:matthew.nance@occc.texas.gov).

If you request a hearing, a hearing will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>13</sup> If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.<sup>14</sup>

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

Signed this 10th day of June, 2022.

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

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<sup>11</sup> Tex. Fin. Code § 14.208(b).

<sup>12</sup> Tex. Fin. Code § 14.208(b).

<sup>13</sup> Tex. Fin. Code § 14.208(b).

<sup>14</sup> Tex. Fin. Code § 14.208(c).

**CERTIFICATE OF SERVICE**

I certify that on June 10, 2022, a true and correct copy of this Order to Furnish Information and Allow Investigation has been sent to Brian Anthony Johnson Jr. d/b/a XC Motors by the following:

Brian Anthony Johnson Jr.  email  
d/b/a XC Motors  
Attn: Brian Johnson, Compliance Officer  eFileTexas.gov electronic service  
231 W. Highway 67  regular mail  
Duncanville, TX 75137  certified mail, return receipt requested  
xcmotorsdeal@gmail.com # 9214 8901 9403 8300 0079 2661 46  
brian@xcmotors.net

Brian Anthony Johnson Jr.  email  
d/b/a XC Motors  eFileTexas.gov electronic service  
Attn: Brian Johnson DBA XC Motors,  regular mail  
Registered Agent  certified mail, return receipt requested  
1817 N. Riverside Dr. # 9214 8901 9403 8300 0079 2662 14  
Fort Worth, TX 76111  
xcmotorsdeal@gmail.com

/s/Matthew Nance  
Matthew J. Nance  
Deputy General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 24074794  
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Austin, TX 78705  
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