

OCCC CASE NO. L22-00065

IN THE MATTER OF:	§	BEFORE THE
	§	
	§	OFFICE OF CONSUMER
MASTER FILE NO.: 1400050933	§	
RC CASH SERVICES INC.	§	CREDIT COMMISSIONER
PO BOX 618	§	
DAINGERFIELD, TEXAS 75638	§	STATE OF TEXAS

ORDER TO TAKE AFFIRMATIVE ACTION AND FURNISH INFORMATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Take Affirmative Action and Furnish Information against RC Cash Services Inc. (“RC Cash Services”), based on the violations of law described below.¹

Statement of Facts and Law

RC Cash Services is a credit access business licensed by the OCCC under Chapter 393 of the Texas Finance Code. RC Cash Services operates under master file number 1400050933 at one location, under license number 151484. RC Cash Services’ compliance officer is Chris Spencer, and its designated contact address is PO Box 618, Daingerfield, Texas 75638.

Under Chapter 393 of the Texas Finance Code and its implementing rules, credit access businesses are required to submit quarterly and annual reports to the OCCC.² The information provided on each quarterly or annual report must be accurate and calculated in accordance with the OCCC’s instructions.³ If the licensee fails to file a complete, accurate, and timely quarterly or annual report, the OCCC may issue an injunction ordering the licensee to file one or more complete, accurate, and timely reports.⁴

Under Chapter 393’s implementing rules, each credit access business must maintain a transaction register.⁵ The register must contain the following data for

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 393.627; 7 Tex. Admin. Code § 83.5001.

³ 7 Tex. Admin. Code § 83.5001(a).

⁴ 7 Tex. Admin. Code § 83.5001(e)(1).

⁵ 7 Tex. Admin. Code § 83.5004(1).

each transaction: (1) the transaction number, (2) the date of the transaction, (3) the last name of the consumer, (4) the total fees payable to the licensee, (5) the total of payments, and (6) the type of transaction.⁶

In 2020, OCCC staff reviewed RC Cash Services' 2019 annual report and identified incorrect data in the report. In particular, the reported amount of fees charged did not match the fees listed in RC Cash Services' quarterly reports for 2019. In addition, certain reported amounts in the 2019 annual report were substantially higher than the corresponding amounts in the 2018 annual report.

Based on this review, the OCCC conducted an investigation of RC Cash Services. Between 2020 and 2022, the OCCC requested transaction records and an explanation for the information submitted on the 2019 annual report. RC Cash Services provided a document purporting to be a loan register report for 2018, and a document purporting to be a loan register report for 2019. However, these documents did not include the date of each transaction, and the dollar amounts of loans made and fees charged did not match RC Cash Services' 2018 and 2019 annual reports. On April 26, 2022, the OCCC sent a request to RC Cash Services for revised transaction registers containing the date of each transaction. RC Cash Services did not respond to this request.

Authority

If the Consumer Credit Commissioner ("Commissioner") has reasonable cause to believe that a credit access business is violating Chapter 14 or Chapter 393 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.⁷

If the OCCC has reasonable cause to believe that a credit access business is violating Chapter 393 of the Texas Finance Code, the OCCC may require the credit access business to furnish information related to the business practice to which the potential violation relates, and may conduct an investigation to determine whether a violation exists.⁸

The Commissioner has reasonable cause to believe that RC Cash Services has violated Chapter 14, Chapter 393, and Chapter 393's implementing rules by failing

⁶ 7 Tex. Admin. Code § 83.5004(1).

⁷ Tex. Fin. Code § 14.208(a); 7 Tex. Admin. Code § 83.5001(e).

⁸ Tex. Fin. Code. § 14.202.

to submit complete and accurate annual reports, by failing to maintain a complete transaction register, and by failing to respond to a request for information from the OCCC.

Order

IT IS ORDERED that:

1. RC Cash Services must comply with, and cease and desist violating, the reporting requirements of Section 393.627 of the Texas Finance Code and Title 7, Section 83.5001 of the Texas Administrative Code. of the Texas Finance Code. RC Cash Services must ensure that all future quarterly and annual reports are timely, complete, and accurate.
2. RC Cash Services must comply with, and cease and desist violating, the recordkeeping requirements of Title 7, Section 83.5004 of the Texas Finance Code. RC Cash Services must ensure that it maintains a transaction register listing all required information, including the date of each transaction.
3. **No later than 30 days after the date of this Order**, RC Cash Services must provide the OCCC with a complete and accurate transaction register for all transactions from January 1, 2018 to the present. The register must contain all information required by Title 7, Section 83.5004(1) of the Texas Administrative Code, including the date of each transaction. The transaction register must be sent by email to Matthew Nance at matthew.nance@occc.texas.gov.
4. **No later than 30 days after the date of this Order**, RC Cash Services must:
 - a. perform a self-review of all of its quarterly and annual reports filed since January 1, 2018,
 - b. identify any inaccuracies in those reports, and
 - c. file complete and accurate revised versions of any reports that contained inaccuracies.

Violation of Order

If RC Cash Services violates this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.⁹ A violation of this Order may also result in revocation of RC Cash Services' credit access business license.¹⁰

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹¹ 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.¹² 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.

If you request a hearing, a hearing will be set and conducted in accordance with Texas Government Code Chapter 2001.¹³ If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.¹⁴

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.

Signed this 4th day of August, 2022.

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

⁹ Tex. Fin. Code § 14.208(c).

¹⁰ Tex. Fin. Code § 393.614(a)(2).

¹¹ Tex. Fin. Code § 14.208(b).

¹² Tex. Fin. Code § 14.208(b).

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on August 4, 2022, a true and correct copy of this Order to Take Affirmative Action and Furnish Information has been sent to RC Cash Services Inc. by the following:

RC Cash Services Inc.
Attn: Chris Spencer, Compliance Officer
P.O. Box 618
Daingerfield, TX 75638
grocerygr@aol.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0085 0590 60

RC Cash Services Inc.
Attn: Chris Spencer, Registered Agent
1497 County Road 2985
Hughes Springs, TX 75656
grocerygr@aol.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0085 0591 21

/s/ Matthew Nance
Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 N. Lamar Blvd.
Austin, TX 78705
512-936-7660 (phone)
matthew.nance@occc.texas.gov