

OCCC CASE NO. L22-00100

<p>IN THE MATTER OF:</p> <p>MASTER FILE NO.: 1542</p> <p>EL PASO ACCEPTANCE CORP.</p> <p>217 S. MESA ST., STE. B</p> <p>EL PASO, TEXAS 79901</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>BEFORE THE</p> <p>OFFICE OF CONSUMER</p> <p>CREDIT COMMISSIONER</p> <p>STATE OF TEXAS</p>
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ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against El Paso Acceptance Corp. (“El Paso Acceptance”).¹

Statement of Facts and Law

El Paso Acceptance is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. El Paso Acceptance operates under master file number 1542 at one licensed location, under license number 1761. El Paso Acceptance’s compliance officer is Henry W. Rasor, and its designated contact address is 217 S. Mesa St., Ste. B, El Paso, Texas, 79901.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A regulated lender must comply with all instructions from the OCCC relating to submitting the report.³ The report is due by May 1 of each year for the prior calendar year’s loan activity.⁴

On September 13, 2021, the OCCC issued an Order to File Timely and Accurate Annual Reports against El Paso Acceptance for failing to timely file its 2020 annual report. El Paso Acceptance did not request a hearing on the Order, and the Order became final and enforceable. The Order required El Paso Acceptance to timely file complete and accurate future reports.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

³ 7 Tex. Admin. Code § 83.835.

⁴ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports

El Paso Acceptance did not file its 2021 annual report with the Commissioner on or before May 1, 2022.

The Commissioner may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is violating Chapter 342 of the Texas Finance Code.⁵ The Commissioner may impose an administrative penalty on a regulated lender that violates an injunction.⁶

By failing to timely file its 2021 annual report, El Paso Acceptance has violated Chapter 342 of the Texas Finance Code and the OCCC's Order to File Timely and Accurate Annual Reports.

Order

IT IS ORDERED that El Paso Acceptance Corp.:

1. pay an administrative penalty in the amount of \$500.00 (calculated as \$500.00 each for El Paso Acceptance's one licensed location) within 30 days after the date of this Order; and
2. file its 2021 annual report within 30 days after the date of this Order, if it has not already done so.

Regulated lender annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): alecs.occ.texas.gov. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occ.texas.gov.

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ 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.⁸ You must send your request to Matthew Nance, Deputy General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to matthew.nance@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.⁹ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹⁰

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, Texas 78705, by telephone at 512-936-7660, or by email at matthew.nance@occc.texas.gov.

Signed this 7th day of September, 2022.

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on September 7, 2022, a true and correct copy of this Order Imposing Administrative Penalty has been sent to El Paso Acceptance Corp. by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0086 9270 30
El Paso Acceptance Corp.
Attn: Henry W. Rasor, Compliance Officer
217 S. Mesa St., Ste. B
El Paso, TX 79901

CMRRR # 9214 8901 9403 8300 0086 9270 47
El Paso Acceptance Corp.
Attn: Henry W. Rasor/El Paso Acceptance Corporation, Registered Agent
3332 N. Stanton
El Paso, TX 79902

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