

OCCC CASE NO. L20-00159

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 1600056300	§	OFFICE OF CONSUMER
NORTH TEXAS EMPIRE CAPITAL AND	§	
LOAN LLC D/B/A EMPIRE CAPITAL	§	CREDIT COMMISSIONER
AND LOAN	§	
8855 PRESTON TRACE BLVD, SUITE 201	§	STATE OF TEXAS
FRISCO, TEXAS 75033	§	

ORDER OF REVOCATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order of Revocation against North Texas Empire Capital and Loan LLC d/b/a Empire Capital and Loan (“Empire Capital and Loan”).¹

Statement of Facts and Law

Under Chapter 393 of the Texas Finance Code, a person must hold a credit access business license in order to assist a consumer in obtaining a payday or title loan from a third-party lender in exchange for a fee.² A person who does not hold a Chapter 393 license (or an exemption from the licensing requirement) may not collect payments for credit access business services, and may not indirectly collect payments by repossessing motor vehicles or selling repossessed motor vehicles.³

Empire Capital and Loan is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. Empire Capital and Loan operates under master file number 1600056300 at one licensed location, under license number 156303. Empire Capital and Loan’s compliance officer is Louis Siebrits, and its designated contact address is 8855 Preston Trace Blvd., Suite 201, Frisco, Texas 75033.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).⁴ All information provided

¹ Tex. Fin. Code §§ 14.208, 393.614

² Tex. Fin. Code §§ 393.001(3), 393.601(2), 393.602(a), 393.603.

³ See Tex. Fin. Code §§ 393.001(3), 393.002, 393.601(2), 393.602(a), 393.603.

⁴ Tex. Fin. Code §§ 393.622, 393.627.

on the quarterly and annual reports must be accurate and calculated in accordance with the OCCC's instructions.⁵ A credit access business must submit its quarterly and annual reports on or before the following dates:

- 1st quarter report – April 30;
- 2nd quarter report – July 31;
- 3rd quarter report – October 31; and
- 4th quarter and annual report – January 31.⁶

On December 11, 2019, the OCCC issued an Order to File Timely and Accurate Quarterly and Annual Reports against Empire Capital and Loan for failing to file its 2019 third quarter report by the deadline of October 31, 2019. Empire Capital and Loan did not request a hearing on the Order, and the Order became final. The Order required Empire Capital and Loan to timely file complete and accurate future annual reports.

On March 3, 2020, the OCCC issued an Order Imposing Administrative Penalty against Empire Capital and Loan for failing to file its 2019 fourth quarter and annual reports by the deadline of January 31, 2020. The Order required Empire Capital and Loan to pay an administrative penalty of \$500.00 and file all delinquent reports. Empire Capital and Loan did not pay the administrative penalty, or file the reports.

For the 2020 1st quarter reports, the OCCC allowed 30 additional days (until May 31, 2020) for credit access businesses to file reports. Empire Capital and Loan has not filed the 2020 first quarter report.

Authority

The Commissioner may issue an injunction ordering a credit access business to file one or more complete, accurate, and timely quarterly or annual reports if the Commissioner has reasonable cause to believe that the credit access business is violating Chapter 393 of the Texas Finance Code.⁷

The Commissioner may revoke a credit access business license if the license

⁵ 7 Tex. Admin. Code § 83.5001(a).

⁶ 7 Tex. Admin. Code § 83.5001(b).

⁷ Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(1).

holder knowingly or without the exercise of due care violates Chapter 393 of the Texas Finance Code, a rule adopted under Chapter 393, or an order issued under Chapter 393.⁸ The Commissioner may also revoke a credit access business 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.⁹

Empire Capital and Loan failed to file its 2019 third quarter report and its 2019 annual report. By failing to file these reports, Empire Capital and Loan has repeatedly violated Chapter 393 and its implementing rules. Empire Capital and Loan has violated the Order to File Timely and Accurate Quarterly and Annual Reports that the OCCC issued in December 2019. Empire Capital and Loan violated the Order Imposing Administrative Penalty that the OCCC issued in March 2020, by failing to pay the \$500.00 administrative penalty and failing to file required reports. Empire Capital and Loan committed these violations knowingly or without exercise of due care. These violations would have justified denial of Empire Capital and Loan's 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 credit access business license of North Texas Empire Capital and Loan LLC, license number 1600056300-156303, is REVOKED.
2. North Texas Empire Capital and Loan LLC must cease and desist entering new transactions where it obtains for a consumer, or assists a consumer in obtaining, a payday or title loan.
3. North Texas Empire Capital and Loan LLC must cease and desist obtaining for a consumer, or assisting a consumer in obtaining, any refinance, renewal, deferment, or other extension of consumer credit in connection with an existing payday or title loan.

⁸ Tex. Fin. Code § 393.614(a)(2).

⁹ Tex. Fin. Code § 393.614(a)(3).

4. North Texas Empire Capital and Loan LLC must cease and desist collecting any fee in connection with a payday or title loan, including any fee for services as a credit access business or credit services organization.
5. North Texas Empire Capital and Loan LLC must cease and desist repossessing motor vehicles in connection with any loan. For all transactions with an outstanding repossession, North Texas Empire Capital and Loan LLC must stop the repossession immediately.
6. North Texas Empire Capital and Loan LLC must cease and desist selling or transferring any repossessed motor vehicle. If North Texas Empire Capital and Loan LLC possesses any repossessed motor vehicles, it must immediately return each of these motor vehicles to the consumer.
7. **No later than 30 days after the date of this Order**, North Texas Empire Capital and Loan LLC must do one of the following:
 - a. assign any outstanding credit service agreement, any outstanding loan, and any other right or obligation in connection with a credit access business transaction to another credit access business that holds an active license with the OCCC under Chapter 393 of the Texas Finance Code; or
 - b. cease collecting any payments in connection with the credit access business transaction.
8. **No later than 40 days after the date of this Order**, North Texas Empire Capital and Loan LLC must send the OCCC a spreadsheet identifying each transaction assigned and each transaction for which Texas Cash & Title ceased collecting payments. The spreadsheet must include a row for each consumer and the following columns:
 - a. account number;
 - b. name of the consumer; and
 - c. name of any credit access business that North Texas Empire Capital and Loan LLC assigned the transaction to, if applicable.The spreadsheet must be sent by email to Audrey Spalding at audrey.spalding@occc.texas.gov.

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹⁰ 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.
Austin, Texas 78705

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.¹¹ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹²

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7659, or by email to audrey.spalding@occc.texas.gov.

Signed this 11 day of September, 2020.

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

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(b).

¹² Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on September 11, 2020, a true and correct copy of this Order of Revocation has been sent to North Texas Empire Capital and Loan LLC d/b/a Empire Capital and Loan by the following:

North Texas Empire Capital and Loan
LLC d/b/a Empire Capital and Loan
Attn: Louis Siebrits, Compliance Officer
8855 Preston Trace Blvd.
Frisco, TX 75033
louis.siebrits@gmail.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0020 7243 29

North Texas Empire Capital and Loan
LLC d/b/a Empire Capital and Loan
Attn: InCorp Services, Statutory Agent
815 Brazos Street
Suite 500
Austin, TX 78701
accounting@incorp.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0020 7243 36

/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
(512) 936-7610 (fax)
audrey.spalding@occc.texas.gov