

OCCC CASE NO. L23-00033

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800062134	§	OFFICE OF CONSUMER
D D RAMIREZ INC. d/b/a	§	
SAN ANTONIO AUTO & TRUCK	§	CREDIT COMMISSIONER
2923 SW MILITARY DR.	§	
SAN ANTONIO, TEXAS 78224	§	STATE OF TEXAS

ORDER TO ALLOW EXAMINATION AND INVESTIGATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Allow Examination and Investigation against D D Ramirez Inc. d/b/a San Antonio Auto & Truck (“San Antonio Auto & Truck”), based on the violations of law described below.¹

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.² 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.³

San Antonio Auto & Truck is a motor vehicle dealer that holds a motor vehicle sales finance license issued by the OCCC. San Antonio Auto & Truck operates under master file number 1800062134 at one licensed location, under license number 160937. San Antonio Auto & Truck’s compliance officer is Daniel Ramirez, and its designated contact address is 2923 SW Military Dr., San Antonio, Texas 78224.

Under Chapter 348 of the Texas Finance Code, at times the OCCC considers necessary, the OCCC will examine each place of business of each licensee, and will investigate the licensee’s transactions and records.⁴ A licensee must give the

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 348.501.

³ Tex. Fin. Code § 348.001(3), (7), (8).

⁴ Tex. Fin. Code § 348.514(a).

OCCC free access to the licensee's office and place of business.⁵ The OCCC may conduct an examination after advance notice and during normal business hours.⁶ If the OCCC has 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.⁷ 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.⁸

On May 10, 2022, after advance notice, the OCCC attempted to examine San Antonio Auto & Truck's licensed location at 2923 SW Military Dr., San Antonio, Texas 78224. The OCCC was not able to examine the licensed location, because a different business was at the address instead of San Antonio Auto & Truck. San Antonio Auto & Truck did not respond to the OCCC's other communication attempts.

By failing to allow the OCCC to examine its licensed location, records, and transactions, San Antonio Auto & Truck violated Chapter 348 of the Texas Finance Code.

Authority

If the Consumer Credit Commissioner ("Commissioner") has reasonable cause to believe that a person is violating 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.⁹

The Commissioner has reasonable cause to believe that San Antonio Auto & Truck has violated Chapter 348 of the Texas Finance Code by failing to allow the OCCC to examine its licensed location, records, and transactions.

⁵ Tex. Fin. Code § 348.514(b).

⁶ Tex. Fin. Code § 348.514(f).

⁷ Tex. Fin. Code §§ 14.202, 348.515.

⁸ 7 Tex. Admin. Code § 84.607(c).

⁹ Tex. Fin. Code § 14.208(a).

Order

IT IS ORDERED that:

1. San Antonio Auto & Truck must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. San Antonio Auto & Truck must allow the OCCC to conduct an investigation of its location, records, and transactions.
3. **No later than 30 days after the date of this Order**, San Antonio Auto & Truck must send a letter to the OCCC stating the complete address of any location where San Antonio Auto & Truck may be examined and investigated. The letter must also state the complete address of any location where San Antonio Auto & Truck 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.
4. **No later than 30 days after the date of this Order**, San Antonio Auto & Truck must ensure that all contact information for San Antonio Auto & Truck 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.¹⁰ A violation of this Order may result in revocation of your motor vehicle sales finance license.¹¹

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹² 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.¹³ 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.

¹⁰ Tex. Fin. Code § 14.208(c).

¹¹ Tex. Fin. Code § 348.508.

¹² Tex. Fin. Code § 14.208(b).

¹³ Tex. Fin. Code § 14.208(b).

If you request a hearing, a hearing will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁴ If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.¹⁵

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 8th day of December, 2022.

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

¹⁴ Tex. Fin. Code § 14.208(b).

¹⁵ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on December 8, 2022, a true and correct copy of this Order to Allow Examination and Investigation has been sent to D D Ramirez Inc. d/b/a San Antonio Auto & Truck by the following:

D D Ramirez Inc.
Attn: Daniel Ramirez, Compliance Officer
2923 SW Military Dr.
San Antonio, TX 78224
saautoandtrucksales@gmail.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0097 9366 32

D D Ramirez Inc.
Attn: D D Ramirez, Registered Agent
925 Somerset Rd.
San Antonio, TX 78214
saautoandtrucksales@gmail.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0097 9366 49

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