

OCCC CASE NO. L23-00001

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1717	§	OFFICE OF CONSUMER
EIMOR INC. d/b/a	§	
FIRST FIDELITY	§	CREDIT COMMISSIONER
1907 GOLIAD RD.	§	
SAN ANTONIO, TEXAS 78223	§	STATE OF TEXAS

ORDER OF REVOCATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order of Revocation against EIMOR Inc. d/b/a First Fidelity (“First Fidelity”).<sup>1</sup>

**Statement of Facts and Law**

First Fidelity is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. First Fidelity operates under master file number 1717 at one licensed location, under license number 4374. First Fidelity’s compliance officer is Patricia Dufner, and its designated contact address is 1907 Goliad Rd., San Antonio, Texas, 78223.

Under Chapter 342 of the Finance Code, a regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> Under Chapter 342’s implementing rules, a regulated lender must file the required annual report by May 1 for the prior calendar year’s loan activity on forms prescribed by the Commissioner and must comply with all instructions relating to submitting the report.<sup>3</sup>

On September 13, 2021, the OCCC issued an Order to File Timely and Accurate Annual Reports under OCCC case number L21-00188 against First Fidelity for failing to file its 2020 annual report by the deadline of May 1, 2021. The Order became final and enforceable. The Order required First Fidelity to timely file complete and accurate annual future reports. First Fidelity did not file its 2020 annual report.

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<sup>1</sup> Tex. Fin. Code §§ 14.208, 342.156.

<sup>2</sup> Tex. Fin. Code § 342.559.

<sup>3</sup> 7 Tex. Admin. Code § 83.835; [https://occc.texas.gov/industry/regulated-lenders/annual\\_reports](https://occc.texas.gov/industry/regulated-lenders/annual_reports).

On June 10, 2022, the OCCC issued an Order Imposing Administrative Penalty under OCCC case number L22-00035 against First Fidelity for failing to comply with the September 13, 2021 Order, and failing to file its 2021 annual report by the deadline of May 1, 2022. The Order became final and enforceable. The Order Imposing Administrative Penalty required First Fidelity to pay an administrative penalty of \$1,500.00, and file its 2020 and 2021 annual report. First Fidelity did not file its 2020 or 2021 annual reports and did not pay the administrative penalty.

### **Authority**

If the Commissioner has reasonable cause to believe that a regulated lender is violating Chapter 342, then the Commissioner may issue an injunction ordering the regulated lender to cease and desist from the violation, to take affirmative action, or both.<sup>4</sup> If a regulated lender violates an injunction, then the Commissioner may impose an administrative penalty up to \$1,000 per day of the violation.<sup>5</sup> The Commissioner may revoke the license of a regulated lender if the Commissioner finds that the license holder knowingly or without the exercise of due care violates Chapter 342 of the Texas Finance Code, Chapter 342's implementing rules, or an order issued under Chapter 342.<sup>6</sup> The Commissioner may also revoke a 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.<sup>7</sup>

By failing to timely file its 2020 and 2021 annual reports, First Fidelity violated Chapter 342 of the Texas Finance Code and its implementing rules. By failing to timely file its 2021 annual reports, First Fidelity violated the Order to File Timely and Accurate Annual Reports issued on September 13, 2021. By failing to file its 2021 annual report and by failing to pay the \$1,500.00 administrative penalty, First Fidelity violated the Order Imposing Administrative Penalty issued on June 10, 2021. First Fidelity committed these violations knowingly or without exercise of due care.

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<sup>4</sup> Tex. Fin. Code § 14.208(a).

<sup>5</sup> Tex. Fin. Code § 14.208(c).

<sup>6</sup> Tex. Fin. Code § 342.156(2).

<sup>7</sup> Tex. Fin. Code § 342.156(3).

These violations would have justified denial of First Fidelity'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 regulated lender license of EIMOR Inc. d/b/a First Fidelity, master file number 1717, license number 4374, is REVOKED.
2. First Fidelity must cease and desist making, transacting, or negotiating loans under Chapter 342 of the Texas Finance Code.
3. First Fidelity must cease and desist contracting for, charging, or receiving, directly or indirectly, in connection with a loan under Chapter 342 of the Finance Code, any charge, including interest, compensation, consideration, or another expense.
4. First Fidelity must cease and desist entering new motor vehicle retail installment transactions, if it has done so.
5. First Fidelity must cease and desist collecting payments on motor vehicle retail installment transactions, if it has done so.
6. First Fidelity must cease and desist repossessing collateral including motor vehicles and must cease and desist selling any collateral that it has repossessed.
7. **No later than 30 days after the date of this Order**, First Fidelity must perform a self-review and identify each outstanding loan under Chapter 342 of the Texas Finance Code.

8. **No later than 30 days after the date of this Order**, for each outstanding loan under Chapter 342, First Fidelity must do one of the following:
  - a. assign the loan to another person who holds a license under Chapter 342 or is otherwise authorized to make loans under Chapter 342; or
  - b. refund all interest on the loan down to an effective annual interest rate of 10%.
  
9. **No later than 30 days after the date of this Order**, First Fidelity must perform a self-review and identify each outstanding motor vehicle retail installment transaction, including each sale of a motor vehicle for which First Fidelity is accepting payments or holds a lien.
  
10. **No later than 30 days after the date of this Order**, for each outstanding motor vehicle retail installment transaction First Fidelity must do one of the following:
  - a. assign the transaction to another person who holds a license under Chapter 348 or is otherwise authorized to hold retail installment contracts under Chapter 348; or
  - b. cease collecting any payments and release any lien.
  
11. With respect to maintaining proof of refunds:
  - a. First Fidelity must maintain complete and accurate records of all refunds, including copies of refund checks or ledgers showing account credits, until the later of the following:
    - i. the fourth anniversary of the date of the loan or retail installment transaction, or
    - ii. the second anniversary of the date on which the final entry is made in the consumer's record.

- b. **No later than 40 days after the date of this Order**, First Fidelity must create a spreadsheet labeled "L23-00001\_FirstFidelity." The spreadsheet must clearly list the total amount of refunds provided to consumers. In addition, the spreadsheet must list each transaction for which First Fidelity provided refunds, and each transaction that First Fidelity assigned to another person. The spreadsheet must include a row for each consumer and the following columns:
- i. account number;
  - ii. name of the consumer;
  - iii. date of loan or retail installment transaction;
  - iv. dollar amount of interest;
  - v. dollar amount of interest refunded to the buyer;
  - vi. date of the refund;
  - vii. date on which First Fidelity released the lien, if applicable;
  - viii. date of the release of lien; and
  - ix. name of any person that First Fidelity assigned the transaction to, if applicable.
- c. **No later than 40 days after the date of this Order**, First Fidelity must provide the OCCC with a copy of the spreadsheet. The spreadsheet must be sent by email to Audrey Spalding at [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@occc.texas.gov).

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>8</sup> Your request must be made in writing and sent to the OCCC not later than 30 days after the date of this Order. You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@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. If you fail to request a hearing by this deadline, this Order is considered final.

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel. You may contact her 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](mailto:audrey.spalding@occc.texas.gov).

Signed this 18th day of November, 2022.

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

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<sup>8</sup> Tex. Fin. Code § 342.156.

**CERTIFICATE OF SERVICE**

I certify that on November 18, 2022, a true and correct copy of this Order of Revocation has been sent to EIMOR Inc. d/b/a First Fidelity by the following:

EIMOR Inc. d/b/a First Fidelity  
Attn: Patricia Dufner,  
Compliance Officer  
1907 Goliad Rd.  
San Antonio, TX 78223  
patteduf@aol.com

- electronic mail
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0096 2361 22

EIMOR Inc. d/b/a First Fidelity  
Attn: Romie Dufner, Registered Agent  
P.O. Box 23249, 1907 Goliad Rd.  
San Antonio, TX 78223  
patteduf@aol.com

- electronic mail
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0096 2361 53

/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 (phone)  
audrey.spalding@occc.texas.gov