

OCCC CASE NO. L23-00041

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1700059190	§	OFFICE OF CONSUMER
JOE ANDY DELGADO	§	
d/b/a FRESNO MOTOR	§	CREDIT COMMISSIONER
328 E. HOUSTON ST.	§	
FRESNO, TEXAS 77545	§	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 Joe Andy Delgado d/b/a Fresno Motor (“Fresno Motor”), 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

Fresno Motor is a motor vehicle dealer that previously held a motor vehicle sales finance license issued by the OCCC. Fresno Motor operated under master file number 1700059190 at one licensed location, under license number 158699. Fresno Motor’s compliance officer is Joe Delgado, and its designated contact address is 328 Houston St., Fresno, Texas 77545. Fresno Motor’s license expired on October 31, 2022, because Fresno Motor did not renew the license by that date.⁴

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.⁵ A licensee must give the OCCC

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 §§ 348.5055, 348.507; 7 Tex. Admin. Code § 84.617.

⁵ Tex. Fin. Code § 348.514(a).

free access to the licensee's office and place of business.⁶ The OCCC may conduct an examination after advance notice and during normal business hours.⁷ 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.⁸ 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.⁹

On October 31, 2022, after advance notice, the OCCC attempted to examine Fresno Motor's licensed location at 110 Willow St. #A, Fresno, Texas 77545. The OCCC was not able to examine the licensed location, because an employee at the licensed location did not allow the examination to proceed.

By failing to allow the OCCC to examine its licensed location, records, and transactions, Fresno Motor 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.¹⁰

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

⁶ Tex. Fin. Code § 348.514(b).

⁷ Tex. Fin. Code § 348.514(f).

⁸ Tex. Fin. Code §§ 14.202, 348.515.

⁹ 7 Tex. Admin. Code § 84.607(c).

¹⁰ Tex. Fin. Code § 14.208(a).

Order

IT IS ORDERED that:

1. Fresno Motor must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. Fresno Motor 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**, Fresno Motor must send a letter to the OCCC stating the complete address of any location where Fresno Motor may be examined and investigated. The letter must state the complete address of any location where Fresno Motor conducts business, keeps records of transactions, or receives payments from retail buyers. The letter must also include an up-to-date phone number and email address where Fresno Motor may be contacted. The letter must be sent by email to Matthew Nance at matthew.nance@occc.texas.gov.

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.¹¹ A violation of this Order may result in revocation of your motor vehicle sales finance license.¹²

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹³ 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.¹⁴ 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.

¹¹ Tex. Fin. Code § 14.208(c).

¹² Tex. Fin. Code § 348.508.

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ 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.¹⁵ If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.¹⁶

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 21st day of March, 2023.

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

¹⁵ Tex. Fin. Code § 14.208(b).

¹⁶ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on March 21, 2023, a true and correct copy of this Order to Allow Examination and Investigation has been sent to Joe Andy Delgado d/b/a Fresno Motor by the following:

Joe Andy Delgado d/b/a
Fresno Motor
Attn: Joe Delgado, Compliance Officer
& Registered Agent
328 E. Houston St.
Fresno, TX 77545
fresnomotor@hotmail.com

email
 eFileTexas.gov electronic service
 regular mail
 certified mail, return receipt requested
9214 8901 9403 8300 0007 7997 84

Joe Andy Delgado d/b/a
Fresno Motor
Attn: Joe Delgado, Compliance Officer
110 Willow St. #A
Fresno, TX 77545
fresnomotor@hotmail.com

email
 eFileTexas.gov electronic service
 regular mail
 certified mail, return receipt requested
9214 8901 9403 8300 0007 7998 07

/s/ Matthew Nance
Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 N. Lamar Blvd.
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