

OCCC CASE NO. L23-00039

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 12312	§	OFFICE OF CONSUMER
FIDEL E. OROSCO III d/b/a	§	
ABOVE ALL AFFORDABLE AUTOS	§	CREDIT COMMISSIONER
459 W. SOUTHCROSS	§	
SAN ANTONIO, TEXAS 78221	§	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 Fidel E. Orosco III d/b/a Above All Affordable Autos (“Above All Affordable Autos”), based on the violations of law described below.<sup>1</sup>

**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.<sup>2</sup> 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.<sup>3</sup>

Above All Affordable Autos is a motor vehicle dealer that holds a motor vehicle sales finance license issued by the OCCC. Above All Affordable Autos operates under master file number 12312 at one licensed location, under license number 51453. Above All Affordable Autos’ compliance officer is Fidel E. Orosco III, and its designated contact address is 459 W. Southcross, San Antonio, Texas 78221.

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.<sup>4</sup> A licensee must give the

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 348.501.

<sup>3</sup> Tex. Fin. Code § 348.001(3), (7), (8).

<sup>4</sup> Tex. Fin. Code § 348.514(a).

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

On July 26, 2021, after advance notice, the OCCC attempted to examine Above All Affordable Autos' licensed location at 2038 Pleasanton Rd., San Antonio, Texas 78221. The OCCC was not able to examine the licensed location, because different businesses were located at the address instead of Above All Affordable Autos. Above All Affordable Autos did not respond to the OCCC's other communication attempts.

By failing to allow the OCCC to examine its licensed location, records, and transactions, Above All Affordable Autos 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.<sup>9</sup>

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

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<sup>5</sup> Tex. Fin. Code § 348.514(b).

<sup>6</sup> Tex. Fin. Code § 348.514(f).

<sup>7</sup> Tex. Fin. Code §§ 14.202, 348.515.

<sup>8</sup> 7 Tex. Admin. Code § 84.607(c).

<sup>9</sup> Tex. Fin. Code § 14.208(a).

## Order

IT IS ORDERED that:

1. Above All Affordable Autos must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. Above All Affordable Autos 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**, Above All Affordable Autos must send a letter to the OCCC stating the complete address of any location where Above All Affordable Autos may be examined and investigated. The letter must also state the complete address of any location where Above All Affordable Autos 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](mailto:matthew.nance@occc.texas.gov).
4. **No later than 30 days after the date of this Order**, Above All Affordable Autos must ensure that all contact information for Above All Affordable Autos 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.<sup>10</sup> A violation of this Order may result in revocation of your motor vehicle sales finance license.<sup>11</sup>

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>12</sup> 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.<sup>13</sup> 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](mailto:matthew.nance@occc.texas.gov).

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<sup>10</sup> Tex. Fin. Code § 14.208(c).

<sup>11</sup> Tex. Fin. Code § 348.508.

<sup>12</sup> Tex. Fin. Code § 14.208(b).

<sup>13</sup> 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.<sup>14</sup> If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.<sup>15</sup>

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](mailto:matthew.nance@occc.texas.gov).

Signed this 21st day of March, 2023.

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

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<sup>14</sup> Tex. Fin. Code § 14.208(b).

<sup>15</sup> 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 Fidel E. Orosco III d/b/a Above All Affordable Autos by the following:

Fidel E. Orosco III d/b/a  
Above All Affordable Autos  
Attn: Fidel E. Orosco III, Compliance  
Officer & Registered Agent  
459 W. Southcross  
San Antonio, TX 78221

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0007 8015 86

Fidel E. Orosco III d/b/a  
Above All Affordable Autos  
Attn: Fidel E. Orosco III,  
Compliance Officer  
2038 Pleasanton Rd.  
San Antonio, TX 78221

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0007 8016 54

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