

OCCC CASE NO. L23-00040

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800061836	§	OFFICE OF CONSUMER
MIH MOTORS LLC	§	
d/b/a MIH MOTORS	§	CREDIT COMMISSIONER
2905 S. GARLAND AV.	§	
GARLAND, TEXAS 75041	§	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 MIH Motors LLC d/b/a MIH Motors (“MIH Motors”), 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

MIH Motors is a motor vehicle dealer that previously held a motor vehicle sales finance license issued by the OCCC. MIH Motors operated under master file number 1800061836 at one licensed location, under license number 160659. MIH Motors’ compliance officer is Shonda Duffey, and its designated contact address is 2905 S. Garland Av., Garland, Texas 75041. MIH Motors’ license expired on October 31, 2022, because MIH Motors 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 25, 2022, after advance notice, the OCCC attempted to examine MIH Motors' licensed location at 2905 S. Garland Av., Garland, Texas 75041. The OCCC was not able to examine the licensed location, because a different business was at the address instead of MIH Motors. MIH Motors did not respond to the OCCC's other communication attempts.

By failing to allow the OCCC to examine its licensed location, records, and transactions, MIH Motors 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 MIH Motors 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. MIH Motors must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. MIH Motors 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**, MIH Motors must send a letter to the OCCC stating the complete address of any location where MIH Motors may be examined and investigated. The letter must state the complete address of any location where MIH Motors 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 MIH Motors 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 MIH Motors LLC d/b/a MIH Motors by the following:

MIH Motors LLC
Attn: Shonda Duffey,
Compliance Officer
2905 S. Garland Av.
Garland, TX 75041
shonda@mihmotors.com
yessica1494@yahoo.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0007 8013 95

MIH Motors LLC
Attn: Shonda Duffey,
Registered Agent
2905 S. Garland Ave.
Garland, TX 75041
shonda@mihmotors.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0007 8014 25

/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