

OCCC CASE NO. L23-00107

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 5031	§	OFFICE OF CONSUMER
ELEMENT FLEET CORPORATION	§	
d/b/a GE CAPITAL FLEET SERVICES	§	CREDIT COMMISSIONER
940 RIDGEBROOK ROAD	§	
SPARKS GLENCOE, MARYLAND 21152	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Element Fleet Corporation d/b/a GE Capital Fleet Services (“GE Capital Fleet Services”).¹

Statement of Facts and Law

GE Capital Fleet Services is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. GE Capital Fleet Services operates under master file number 5031 at one licensed location, under license number 8964. GE Capital Fleet Services’ compliance officer is Cindy Clipper, and its designated contact address is 940 Ridgebrook Road, Sparks Glencoe, Maryland, 21152.

A regulated lender must file annual reports with the OCCC.² A regulated lender must comply with all instructions from the OCCC relating to submitting the report.³ The report is due by May 1 of each year for the prior calendar year’s loan activity.⁴

On May 26, 2016, the OCCC issued an Order to File Timely and Accurate Annual Reports against GE Capital Fleet Services for failing to timely file its 2015 annual report. GE Capital Fleet Services did not request a hearing on the Order, and the Order became final and enforceable. The Order required GE Capital Fleet Services to timely file complete and accurate future reports.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

³ 7 Tex. Admin. Code § 83.835.

⁴ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports

On August 21, 2019, the OCCC issued an Order Imposing Administrative Penalty against GE Capital Fleet Services for failing to timely file its 2018 annual report. GE Capital Fleet Services ultimately filed its 2018 annual report and paid the administrative penalty.

GE Capital Fleet Services did not file its 2022 annual report with the OCCC by the deadline of May 1, 2023.

The Consumer Credit Commissioner (“Commissioner”) may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is violating Chapter 342 of the Texas Finance Code.⁵ The Commissioner may impose an administrative penalty on a regulated lender that violates an injunction.⁶

By failing to timely file its 2022 annual report, GE Capital Fleet Services has violated Chapter 342 of the Texas Finance Code and the OCCC’s Order to File Timely and Accurate Annual Reports.

Order

IT IS ORDERED that Element Fleet Corporation d/b/a GE Capital Fleet Services:

1. pay an administrative penalty in the amount of \$1,000.00 (calculated as \$1,000.00 each for GE Capital Fleet Services’ one licensed location) within 30 days after the date of this Order; and
2. file its 2022 annual report within 30 days after the date of this Order, if it has not already done so.

Regulated lender annual reports must be submitted through the OCCC’s Application Licensing Examination and Compliance System (ALECS): alecs.occc.texas.gov. Instructions are available by clicking the “File Annual Report” button on the OCCC’s home page, occc.texas.gov.

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ 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.⁸ You must send your request to Matthew Nance, General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to matthew.nance@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.⁹ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹⁰

All communications with the OCCC concerning this matter must be through Matthew Nance, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at 512-936-7660, or by email at matthew.nance@occc.texas.gov.

Signed this 17th day of August, 2023.

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on August 17, 2023, a true and correct copy of this Order Imposing Administrative Penalty has been sent to Element Fleet Corporation d/b/a GE Capital Fleet Services by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0023 2833 66
Element Fleet Corporation
Attn: Cindy Clipper, Compliance Officer
940 Ridgebrook Road
Sparks Glencoe, MD 21152

CMRRR # 9214 8901 9403 8300 0023 2833 73
Element Fleet Corporation
Attn: Corporation Service Company D/B/A CSC-Lawyers Inco, Registered Agent
211 E. 7th Street, Suite 620
Austin, TX 78701

/s/ Matthew Nance
Matthew J. Nance
General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
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512-936-7660 (phone)
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