

OCCC CASE NO. L23-00117

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2300074122	§	OFFICE OF CONSUMER
RODEO AUTO, INC.	§	
d/b/a RODEO AUTO	§	CREDIT COMMISSIONER
8224 N. FREEWAY	§	
HOUSTON, TX 77037	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Rodeo Auto, Inc. d/b/a Rodeo Auto (“Rodeo Auto”), 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

Rodeo Auto is a motor vehicle dealer that does not currently hold a license with the OCCC. On May 1, 2023, Rodeo Auto submitted a new motor vehicle sales finance license application under master file number 2300074122 and application ID number 97684. Rodeo Auto’s compliance officer is Marcela Rodriguez, and its designated contact address is 8224 N. Freeway, Houston, TX 77037.

Beginning January 31, 2023, Rodeo Auto engaged in activity requiring a license by entering 31 motor vehicle retail installment contracts. Rodeo Auto accepted the cash price of motor vehicles in one or more deferred installments without a motor vehicle sales finance license, in violation of Section 348.501 of the Texas Finance Code.

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Tex. Fin. Code § 348.501.

³ Tex. Fin. Code § 348.001(3), (7), (8).

Order & Agreement

By signing below, Rodeo Auto acknowledges these violations, waives all rights to any hearing or appeal, agrees to pay the administrative penalty and make the restitution identified below, and otherwise agrees to comply with this Order and Texas Law.

IT IS ORDERED that:

1. **No later than October 3, 2023**, Rodeo Auto must pay an administrative penalty in the amount of \$3,100.00 to the OCCC.
2. **No later than October 3, 2023**, Rodeo Auto must identify all motor vehicle retail installment transactions that it entered without a license and must refund to the retail buyer any finance charges that it collected or that remain collectible.
3. **No later than October 3, 2023**, Rodeo Auto must provide the OCCC with a spreadsheet of all transactions it identified and all buyers that it gave a refund. This list must include the buyer's name, account number, transaction date, amount financed, amount of finance charges, and refund amount.
4. Rodeo Auto must keep a copy of each customer's refund check or payment history showing an account credit until the later of its first examination or the required retention period.⁴ During the first examination or an investigation of Rodeo Auto, the OCCC will confirm that all refunds listed in the spreadsheet have been made.
5. Rodeo Auto must comply with, and cease and desist from violating, the motor vehicle sales finance licensing requirement in Section 348.501 of the Texas Finance Code.

⁴ See 7 Tex. Admin. Code § 84.704(b), (g).

Violation of Order

If Rodeo Auto violates this Order, this may result in one or more of the following actions by the OCCC: (1) an administrative penalty of up to \$1,000 for each day of violation of this Order, (2) an order to refund any finance charges contracted for, charged, or received at unlicensed locations, or (3) denial, suspension, or revocation of Rodeo Auto's motor vehicle sales finance license.⁵ If Rodeo Auto conducted unlicensed activity other than the activity identified above, then the OCCC may impose additional administrative penalties based on the number of transactions, and may order Rodeo Auto to refund additional finance charges for unlicensed transactions.⁶

Signed this 6th day of September 2023.

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

AGREED:

/s/ Marcela Rodriguez
Marcela Rodriguez
Chief Executive Officer
Rodeo Auto, Inc. d/b/a Rodeo Auto
(signed electronically with permission)

⁵ Tex. Fin. Code §§ 14.208, 14.251(b), 348.504, 348.508.

⁶ Tex. Fin. Code § 14.251(b).

CERTIFICATE OF SERVICE

I certify that on September 6, 2023, a true and correct copy of this Agreed Order has been sent to Rodeo Auto, Inc. d/b/a Rodeo Auto by the following:

Rodeo Auto Inc.
Attn: Marcela Rodriguez,
Compliance Officer
8224 N. Freeway
Houston, TX 77037
marcela@rodeoauto.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested

/s/ Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
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