

OCCC CASE NO. L23-00116

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800062280	§	OFFICE OF CONSUMER
TLC AUTO SALES, LLC	§	
d/b/a CAR NOW	§	CREDIT COMMISSIONER
11626 EAST NORTHWEST HWY.	§	
DALLAS, TEXAS 75218	§	STATE OF TEXAS

ORDER OF REVOCATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order of Revocation against TLC Auto Sales, LLC d/b/a Car Now (“Car Now”), based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

Under Chapter 342 of the Texas Finance Code, a person must hold a regulated lender license issued by the OCCC in order to make, transact, or negotiate consumer loans at interest rates greater than 10%.<sup>2</sup>

Car Now is a regulated lender licensed by the OCCC under Chapter 342. Car Now operates under master file number 1800062280 at one licensed location, under license number 161183. Car Now’s compliance officer is Aaron Felciano, and its designated contact address is 11626 East Northwest Hwy., Dallas, Texas 75218.

Under Chapter 342 and its implementing rules, a regulated lender must file annual reports with the OCCC.<sup>3</sup> A regulated lender must comply with all instructions from the OCCC relating to submitting the report.<sup>4</sup> The report is due by May 1 of each year for the prior calendar year’s loan activity.<sup>5</sup>

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<sup>1</sup> Tex. Fin. Code §§ 14.208, 342.156.

<sup>2</sup> Tex. Fin. Code §§ 342.005, 342.051.

<sup>3</sup> Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

<sup>4</sup> 7 Tex. Admin. Code § 83.835.

<sup>5</sup> 7 Tex. Admin. Code § 83.835; [https://occc.texas.gov/industry/regulated-lenders/annual\\_reports](https://occc.texas.gov/industry/regulated-lenders/annual_reports)

Car Now did not file its 2019 annual report by the extended deadline of June 1, 2020. On October 12, 2020, the OCCC issued an Order to File Timely and Accurate Annual Reports against Car Now for failing to timely file its 2019 annual report. The order became final and enforceable. The order required Car Now to file its 2019 annual report, and to timely file complete and accurate annual future reports. Car Now ultimately filed its 2019 annual report.

Car Now did not file its 2020 annual report by the deadline of May 1, 2021. On September 13, 2021, the OCCC issued an Order Imposing Administrative against Car Now for failing to timely file its 2020 annual report. The order required Car Now to pay a \$500 administrative penalty and file its 2020 annual report. Car Now ultimately paid the \$500 administrative penalty and filed its 2020 annual report.

Car Now did not file its 2021 annual report by the deadline of May 1, 2022. On September 7, 2022, the OCCC issued an Order Imposing Administrative Penalty against Car Now for failing to timely file its 2021 annual report. The order required Car Now to pay a \$1,000 administrative penalty and file its 2021 annual report. Car Now ultimately paid the \$1,000 administrative penalty and filed its 2021 annual report.

Car Now did not file its 2022 annual report with the OCCC by the deadline of May 1, 2023. As of the date of this Order, Car Now has not filed its 2022 annual report.

### **Authority**

If the Consumer Credit Commissioner (“Commissioner”) has reasonable cause to believe that a person is violating Chapter 342 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>6</sup> If a regulated lender violates an injunction, then the Commissioner may impose an administrative penalty up to \$1,000 per day of the violation.<sup>7</sup>

The Commissioner may revoke a regulated lender license if: (1) the license holder, knowingly or without exercise of due care, violates Chapter 342, a rule adopted under Chapter 342, or an order issued under Chapter 342; or (2) a fact or condition exists that, if it had existed or had been known to exist at the time of the original

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<sup>6</sup> Tex. Fin. Code § 14.208(a).

<sup>7</sup> Tex. Fin. Code § 14.208(c).

application for the license, clearly would have justified the Commissioner's denial of the application.<sup>8</sup>

By failing to timely file its 2019, 2020, 2021, and 2022 annual reports, Car Now violated Chapter 342 of the Texas Finance Code and its implementing rules. By failing to timely file its 2020, 2021, and 2022 annual reports, Car Now violated the OCCC's Order to File Timely and Accurate Annual Reports issued on October 12, 2020. These violations were committed knowingly or without exercise of due care. These violations would have justified denial of Car Now's original license application, if these violations had existed or been known to exist at the time of the license application.

For these reasons, the Commissioner issues this Order of Revocation.

## **Order**

IT IS ORDERED that:

1. The regulated lender license of TLC Auto Sales, LLC d/b/a Car Now, master file number 1800062280, license number 161183, is REVOKED.
2. Car Now must cease and desist making, transacting, or negotiating loans under Chapter 342 of the Texas Finance Code.
3. Car Now must cease and desist contracting for, charging, or receiving, directly or indirectly, in connection with a loan under Chapter 342 of the Finance Code, any charge, including interest, compensation, consideration, or another expense.
4. Car Now must cease and desist entering new motor vehicle retail installment transactions, if it has done so.
5. Car Now must cease and desist collecting payments on motor vehicle retail installment transactions, if it has done so.
6. Car Now must cease and desist repossessing collateral including motor vehicles and must cease and desist selling any collateral that it has repossessed.

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<sup>8</sup> Tex. Fin. Code § 342.156.

7. **No later than 30 days after the date of this Order**, Car Now must perform a self-review and identify each outstanding loan under Chapter 342 of the Texas Finance Code.
8. **No later than 30 days after the date of this Order**, for each outstanding loan under Chapter 342, Car Now must do one of the following:
  - a. assign the loan to another person who holds a license under Chapter 342 or is otherwise authorized to make loans under Chapter 342; or
  - b. refund all interest on the loan down to an effective annual interest rate of 10%.
9. **No later than 30 days after the date of this Order**, Car Now must perform a self-review and identify each outstanding motor vehicle retail installment transaction, including each sale of a motor vehicle for which Car Now is accepting payments or holds a lien.
10. **No later than 30 days after the date of this Order**, for each outstanding motor vehicle retail installment transaction, Car Now must do one of the following:
  - a. assign the transaction to another person who holds a license under Chapter 348 or is otherwise authorized to hold retail installment contracts under Chapter 348; or
  - b. cease collecting any payments and release any lien.
11. **No later than 30 days after the date of this Order**, Car Now must create a spreadsheet labeled "L23-00116CarNow." The spreadsheet must list each transaction for which Car Now provided refunds, and each transaction that Car Now assigned to another person. The spreadsheet must include a row for each consumer and the following columns:
  - a. Account number
  - b. First and last name of consumer
  - c. Date of loan or retail installment transaction
  - d. Dollar amount of interest
  - e. Dollar amount of interest refunded to the consumer
  - f. Date of the refund
  - g. Date on which Car Now released the lien, if applicable
  - h. Date of the release of lien
  - i. Name of any person that Car Now assigned the transaction to, if applicable

12. **No later than 30 days after the date of this Order**, Car Now must send a copy of the spreadsheet to the OCCC. The spreadsheet must be sent by email to Matthew Nance at [matthew.nance@occc.texas.gov](mailto:matthew.nance@occc.texas.gov).
13. Car Now must retain transaction records for each loan or other credit transaction, including copies of any refund checks and any ledgers showing account credits, until the later of the following:
  - a. the fourth anniversary of the date of the transaction; or
  - b. the second anniversary of the date on which the final entry is made in the record.
14. Car Now must allow the OCCC to investigate its records to verify compliance with this Order. If the OCCC requests any information regarding a loan or credit transaction, Car Now must provide the requested information within five days.

### **Violation of Order**

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.<sup>9</sup>

### **Right to Request Hearing**

You have the right to request a hearing regarding this Order.<sup>10</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>11</sup> You must send your request to Matthew Nance, 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).

If you request a hearing, a hearing will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>12</sup> If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.<sup>13</sup>

All communications with the OCCC concerning this matter must be through Matthew Nance, General Counsel, who may be contacted by mail at 2601 N.

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

<sup>10</sup> Tex. Fin. Code §§ 14.208(b), 342.156.

<sup>11</sup> Tex. Fin. Code §§ 14.208(b), 342.156.

<sup>12</sup> Tex. Fin. Code §§ 14.208(b), 342.156.

<sup>13</sup> Tex. Fin. Code §§ 14.208(b), 342.156.

Lamar Blvd., Austin, TX 78705, by telephone at 512-936-7660, or by email to matthew.nance@occc.texas.gov.

Signed this 22nd day of September, 2023.

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

**CERTIFICATE OF SERVICE**

I certify that on September 22, 2023, a true and correct copy of this Order of Revocation has been sent to TLC Auto Sales, LLC d/b/a Car Now by the following:

TLC Auto Sales, LLC  
Attn: Aaron Felciano, Compliance Officer  
11626 East Northwest Hwy.  
Dallas, TX 75218  
carnowtx@yahoo.com  
sunnydizon@yahoo.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0023 2835 40

TLC Auto Sales, LLC  
Attn: Haylin Dizon, Registered Agent  
9020 Stone Park Dr., Apt. 2232  
Fort Worth, TX 76108  
tlcautosales1@gmail.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0023 2835 57

/s/ Matthew Nance  
Matthew J. Nance  
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