

OCCC CASE NO. L24-00001

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2200072222	§	OFFICE OF CONSUMER
ON THE ROAD AUTO SALES LLC	§	
3513 NE 28TH ST.	§	CREDIT COMMISSIONER
FORT WORTH, TEXAS 76111	§	
	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against On the Road Auto Sales LLC (“On the Road Auto Sales”), 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

On the Road Auto Sales is a motor vehicle dealer that does not currently hold a license with the OCCC. On March 10, 2023, On the Road Auto Sales submitted a new motor vehicle sales finance license application under master file number 2200072222 and application ID number 97256. On The Road Auto Sales’ compliance officer is Hugo Hernandez, and its designated contact address is 3513 NE 28th Street, Fort Worth, Texas 76111.

Beginning July 2022, On the Road Auto Sales engaged in activity requiring a license by entering 15 motor vehicle retail installment contracts. On the Road Auto Sales accepted the cash price of motor vehicles in one or more deferred

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Tex. Fin. Code § 348.501.

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

installments without a motor vehicle sales finance license, in violation of Section 348.501 of the Texas Finance Code.

Order & Agreement

By signing below, On the Road Auto Sales 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 31, 2023**, On the Road Auto Sales must pay an administrative penalty in the amount of \$1,500.00 to the OCCC (calculated as \$100 per transaction for entering 15 transactions without a license).
2. **No later than October 31, 2023**, On the Road Auto Sales 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 31, 2023**, On the Road Auto Sales 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. On the Road Auto Sales 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 On the Road Auto Sales, the OCCC will confirm that all refunds listed in the spreadsheet have been made.
5. On the Road Auto Sales 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 On the Road Auto Sales 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 On the Road Auto Sales' motor vehicle sales finance license.⁵ If On the Road Auto Sales 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 On the Road Auto Sales to refund additional finance charges for unlicensed transactions.⁶

Signed this 11th day of October 2023.

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

AGREED:

/s/ Hugo Hernandez
Hugo Hernandez
Compliance Officer
On the Road Auto Sales LLC
(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 October 11, 2023, a true and correct copy of this Agreed Order has been sent to On the Road Auto Sales LLC by the following:

On the Road Auto Sales LLC
Attn: Hugo Hernandez, Compliance
Officer
3513 NE 28th St.
Fort Worth, TX 76111
ontheroadautosalesllc@gmail.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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