

OCCC CASE NO. L23-00124

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1700058957	§	OFFICE OF CONSUMER
VEHICLE SOLUTIONS USA LLC	§	
d/b/a VSC AUTO FINANCE LLC	§	CREDIT COMMISSIONER
104 CRANTON BLVD., #100	§	
KEY BISCAZYNE, FL 33149	§	STATE OF TEXAS

ORDER TO FURNISH INFORMATION AND ALLOW INVESTIGATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Furnish Information and Allow Investigation against Vehicle Solutions USA LLC d/b/a VSC Auto Finance LLC (“VSC Auto Finance”).¹

Background Facts and Law

Under Chapter 348 of the Texas Finance Code, a person must hold a motor vehicle sales finance license 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

VSC Auto Finance previously held a motor vehicle sales finance license with the OCCC. VSC Auto Finance operated under master file number 1700058957 at one licensed location, under license number 158352. VSC Auto Finance’s compliance officer is Jessica Cumbee, and its designated contact address is 104 Crandon Blvd., #100, Key Biscayne, FL 33149. VSC Auto Finance’s license expired on October 31, 2022, due to VSC Auto Finance’s failure to pay the annual license fee.⁴

Under Chapters 14 and 348 of the Texas Finance Code, if the OCCC receives a complaint or other 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.⁵

¹ Tex. Fin. Code §§ 14.202, 14.208.

² Tex. Fin. Code § 348.501.

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

⁴ Tex. Fin. Code § 348.507; 7 Tex. Admin. Code § 84.617.

⁵ Tex. Fin. Code §§ 14.202, 348.515.

In September 2022, the OCCC received a complaint against VSC Auto Finance regarding the repossession of the complainant's vehicle.⁶ In December 2022, the OCCC sent a request for information (RFI) to VSC Auto Finance by regular and certified mail and by email to VSC Auto Finance's compliance officer and attorney. The RFI required VSC Auto Finance to provide information regarding the repossession of the complainant's vehicle by January 12, 2023. The OCCC did not receive the requested information from VSC Auto Finance.

In May 2023, the OCCC sent a subsequent RFI to an attorney representing VSC Auto Finance regarding the complainant's vehicle, and other transactions affecting Texas consumers. The OCCC did not receive the requested information from VSC Auto Finance.

Authority

On receipt of a written complaint or other reasonable cause to believe that a person is violating Chapter 348 of the Texas Finance Code, the Consumer Credit Commissioner ("Commissioner") require a person to furnish information regarding transactions to which the violation relates.⁷ In addition, if the Commissioner has reasonable cause to believe that a person is violating Chapter 348, the Commissioner may investigate the records of the person, and may issue an order to cease and desist from the violation, an order to take affirmative action, or both to enforce compliance.⁸

The Commissioner has reasonable cause to believe that VSC Auto Finance has violated Chapters 14 and 348 of the Texas Finance Code by failing to respond to the OCCC's requests for information and failing to allow an investigation.

Order

IT IS ORDERED that:

1. VSC Auto Finance must cease and desist failing to allow the OCCC to investigate its location, records, and transactions.

⁶ OCCC complaint ID no. 119460.

⁷ Tex. Fin. Code § 14.202(1).

⁸ Tex. Fin. Code §§ 14.208(a), 348.515.

2. VSC Auto Finance must cease and desist failing to respond to the OCCC's requests for information.
3. **No later than 30 days after the date of this Order**, VSC Auto Finance must send a letter to the OCCC stating the complete address of any location where VSC Auto Finance may be investigated. The letter must also state the complete address of any location where VSC Auto Finance conducts business, keeps records of transactions, or receives payments from retail buyers. The letter must be sent by email to Audrey Spalding at audrey.spalding@occc.texas.gov.
4. **No later than 30 days after the date of this Order**, VSC Auto Finance must provide the OCCC with all records relating to the consumer who filed a complaint against VSC Auto Finance in September 2022. The records must include all items requested in the OCCC's requests for information sent on December 27, 2022, and May 11, 2023, and must include all items required to be included in a retail installment transaction file under Title 7, Section 84.708(e)(2) of the Texas Administrative Code. These records must be sent by email to Audrey Spalding at audrey.spalding@occc.texas.gov.
5. VSC Auto Finance must maintain transaction records for the period described in Section 348.517 of the Texas Finance Code.

Violation of Order

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

⁹ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹⁰ 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.¹¹ You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, TX 78705, or by email to audrey.spalding@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.¹² If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹³

All communications with the OCCC concerning this Order must be through Audrey Spalding, Assistant General Counsel. You may contact her by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7659, or by email to audrey.spalding@occc.texas.gov.

Signed this 9th day of November 2023.

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

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(b).

¹² Tex. Fin. Code § 14.208(b).

¹³ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on November 9, 2023, a true and correct copy of this Order to Furnish Information and Allow Investigation has been sent to Vehicle Solutions USA LLC d/b/a VSC Auto Finance LLC by the following:

Vehicle Solutions USA LLC
Attn: Jessica Cumbee, Compliance Officer
104 Crandon Blvd., #100
Key Biscayne, FL 33149
jcumbee@vscorpfinance.com

- email
- eFileTexas.gov electronic filing system
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0038 0750 86

Vehicle Solutions USA LLC
Attn: Jessica Cumbee, Registered Agent
1112 Copeland Rd., Suite 100
Arlington, TX 76011
ct-statecommunications@wolterskluwer.com

- email
- eFileTexas.gov electronic filing system
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0038 0750 93

Vehicle Solutions USA LLC
Attn: Jessica Cumbee, Compliance Officer
104 Crandon Blvd., #400
Key Biscayne, FL 33149

- email
- eFileTexas.gov electronic filing system
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0038 0751 09

ERRA Law
Attn: Carlos Rodriguez, Esq.
2601 South Bayshore Drive, 18th Floor
Coconut Grove, FL 33133
cr@erralaw.com

Attorney for Vehicle Solutions USA LLC

- email
- eFileTexas.gov electronic filing system
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0038 0751 16

/s/ Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
2601 North Lamar Blvd.
Austin, Texas 78705
512-936-7659 (phone)
audrey.spalding@occc.texas.gov