

OCCC CASE NO. L24-00002

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800060491	§	OFFICE OF CONSUMER
AUTOVERKOOP LLC	§	
d/b/a CARCHOICE DFW	§	CREDIT COMMISSIONER
2399 MIDWAY RD.	§	
CARROLLTON, TEXAS 75006	§	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 Autoverkoop LLC d/b/a Carchoice DFW (“Carchoice DFW”), based on the violations of law described below.<sup>1</sup>

**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.<sup>2</sup> 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.<sup>3</sup>

Carchoice DFW is a motor vehicle dealer that holds a motor vehicle sales finance license issued by the OCCC. Carchoice DFW operates under master file number 1800060491 at one licensed location, under license number 159573. Carchoice DFW’s compliance officer is Matthew Hamel, and its designated contact address is 2399 Midway Rd., Carrollton, Texas 75006.

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.<sup>4</sup> A

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 348.501.

<sup>3</sup> Tex. Fin. Code § 348.001(3), (7), (8).

<sup>4</sup> Tex. Fin. Code §§ 14.202, 348.515.

Chapter 348 licensee must give the OCCC free access to the licensee's files.<sup>5</sup> A Chapter 348 licensee must maintain records of each retail installment transaction, including records related to repossession.<sup>6</sup> A Chapter 348 licensee must be able to access or produce a list of all retail installment sales transactions involving a repossession.<sup>7</sup>

In December 2021, the OCCC received a complaint against Carchoice DFW regarding the repossession of the complainant's vehicle.<sup>8</sup> Carchoice DFW did not provide complete responses to the OCCC's requests for information in connection with the complaint. Based on the complaint, the OCCC conducted an investigation of Carchoice DFW. On February 22, 2023, the OCCC sent a request for information to Carchoice DFW. The request for information instructed Carchoice DFW to provide a refund to the consumer and to provide proof of refunding to the OCCC no later than March 3, 2023. Carchoice DFW did not respond by March 3, 2023.

On July 26, 2023, the OCCC sent a second request for information to Carchoice DFW. The second request for information instructed Carchoice DFW to provide the following to the OCCC no later than August 11, 2023: proof of refunding to the consumer, a written acknowledgment of understanding of responsibilities to comply with Texas Business and Commerce Code Chapter 9 regarding disposition of repossessed collateral, a spreadsheet listing transactions involving a repossession since July 1, 2021, and transaction files for each of the identified transactions. Carchoice DFW did not provide the requested information by August 11, 2023. On August 25, 2023, Carchoice DFW provided the OCCC with a copy of a refund check to the consumer, but did not provide the other information requested in the OCCC's second request for information.

## **Authority**

If the Consumer Credit Commissioner ("Commissioner") has reasonable cause to believe that a person is violating Chapter 348 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>9</sup>

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<sup>5</sup> Tex. Fin. Code § 348.514(b).

<sup>6</sup> Tex. Fin. Code § 348.517; 7 Tex. Admin. Code § 84.708(e)-(f).

<sup>7</sup> 7 Tex. Admin. Code § 84.708(f).

<sup>8</sup> OCCC complaint ID no. 118798.

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

The Commissioner has reasonable cause to believe that Carchoice DFW has violated Chapters 14 and 348 of the Texas Finance Code by failing to timely respond to the OCCC's requests for information, and by failing to allow the OCCC to conduct an investigation of Carchoice DFW's records and transactions.

## **Order**

IT IS ORDERED that:

1. Carchoice DFW must cease and desist failing to respond timely to the OCCC's requests for information.
2. Carchoice DFW must cease and desist failing to allow the OCCC to investigate its records and transactions.
3. **No later than 30 days after the date of this Order**, Carchoice DFW must provide the OCCC with all information listed in the OCCC's request for information sent on July 26, 2023. The information must include a Microsoft Excel spreadsheet listing all repossessions from July 1, 2021 to the present, as well as a complete transaction file for each identified transaction. The information must be sent by email to Matthew Nance at [matthew.nance@occc.texas.gov](mailto:matthew.nance@occc.texas.gov).

## **Violation of Order**

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.<sup>10</sup> A violation of this Order may result in revocation of your motor vehicle sales finance license.<sup>11</sup>

## **Right to Request Hearing**

You have the right to request a hearing regarding this Order.<sup>12</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>13</sup> You must send your request to Matthew Nance,

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<sup>10</sup> Tex. Fin. Code § 14.208(c).

<sup>11</sup> Tex. Fin. Code § 348.508.

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

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

General Counsel, by mail to 2601 N. Lamar Blvd., Austin, TX 78705, or by email to 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>14</sup> If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.<sup>15</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. Lamar Blvd., Austin, TX 78705, by telephone at 512-936-7660, or by email to matthew.nance@occc.texas.gov.

Signed this 17th day of November 2023.

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

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<sup>14</sup> Tex. Fin. Code § 14.208(b).

<sup>15</sup> Tex. Fin. Code § 14.208(c).

**CERTIFICATE OF SERVICE**

I certify that on November 17, 2023, a true and correct copy of this Order to Furnish Information and Allow Investigation has been sent to Autoverkoop LLC d/b/a Carchoice DFW by the following:

Autoverkoop LLC  
Attn: Matthew Hamel, Compliance Officer  
2399 Midway Rd.  
Carrollton, TX 75006  
matt\_hamel@hotmail.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0039 0307 01

Autoverkoop LLC  
Attn: Chip Parker, Registered Agent  
4905 Hackney Ln.  
The Colony, TX 75056  
theautoloancompany@verizon.net

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested  
# 9214 8901 9403 8300 0039 0307 18

/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