

OCCC CASE NO. L24-00007

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2000066039	§	OFFICE OF CONSUMER
ONE CAPITAL FINANCIAL, INC.	§	
d/b/a ONE CAPITAL FINANCIAL	§	CREDIT COMMISSIONER
1940 W. ORANGEWOOD AVE. STE. 100	§	
ORANGE, CALIFORNIA 92868	§	STATE OF TEXAS

ORDER OF REVOCATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order of Revocation against One Capital Financial, Inc. d/b/a One Capital Financial (“One Capital Financial”), based on the violations of law described below.¹

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%.²

One Capital Financial is a regulated lender that was licensed by the OCCC under Chapter 342. One Capital Financial operated under master file number 2000066039 at one licensed location, under license number 163897. One Capital Financial’s compliance officer is Jerry Parra, and its designated contact address is 1940 W. Orangewood Ave. Ste. 100., Orange, California 92868.

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

¹ Tex. Fin. Code §§ 14.208, 342.156.

² Tex. Fin. Code §§ 342.005, 342.051.

³ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

⁴ 7 Tex. Admin. Code § 83.835.

⁵ 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports

One Capital Financial did not file its 2021 annual report by the deadline of May 1, 2022. On September 7, 2022, the OCCC issued an Order to File Timely and Accurate Annual Reports against One Capital Financial for failing to timely file its 2021 annual report. The order became final and enforceable. The order required One Capital Financial to file its 2021 annual report, and to timely file complete and accurate annual future reports. One Capital Financial ultimately filed its 2021 annual report.

One Capital Financial did not file its 2022 annual report by the deadline of May 1, 2023. On August 17, 2023, the OCCC issued an Order Imposing Administrative Penalty against One Capital Financial for failing to timely file its 2022 annual report. The order required One Capital Financial to pay a \$500 administrative penalty and file its 2022 annual report within 30 days after the date of the order. One Capital Financial ultimately filed its 2022 annual report, but it did not pay the administrative penalty within 30 days after the date of the order. As of the date of this Order, One Capital Financial has not paid the \$500 administrative penalty.

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.⁶ If a regulated lender violates an injunction, then the Commissioner may impose an administrative penalty up to \$1,000 per day of the violation.⁷

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 application for the license, clearly would have justified the Commissioner’s denial of the application.⁸

⁶ Tex. Fin. Code § 14.208(a).

⁷ Tex. Fin. Code § 14.208(c).

⁸ Tex. Fin. Code § 342.156.

By failing to timely file its 2021 and 2022 annual reports, One Capital Financial violated Chapter 342 of the Texas Finance Code and its implementing rules. By failing to timely file its 2022 annual report, One Capital Financial violated the OCCC's Order to File Timely and Accurate Annual Reports issued on September 7, 2022. By failing to pay the \$500 administrative penalty, One Capital Financial violated the OCCC's Order Imposing Administrative Penalty issued on August 17, 2023. These violations were committed knowingly or without exercise of due care. These violations would have justified denial of One Capital Financial'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 One Capital Financial, Inc. d/b/a One Capital Financial, master file number 2000066039, license number 163897, is REVOKED.
2. One Capital Financial must cease and desist making, transacting, or negotiating loans under Chapter 342 of the Texas Finance Code.
3. One Capital Financial 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. One Capital Financial must cease and desist entering new motor vehicle retail installment transactions, if it has done so.
5. One Capital Financial must cease and desist collecting payments on motor vehicle retail installment transactions, if it has done so.
6. One Capital Financial must cease and desist repossessing collateral including motor vehicles and must cease and desist selling any collateral that it has repossessed.

7. **No later than 30 days after the date of this Order**, One Capital Financial 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, One Capital Financial 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**, One Capital Financial must perform a self-review and identify each outstanding motor vehicle retail installment transaction, including each sale of a motor vehicle for which One Capital Financial 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, One Capital Financial 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**, One Capital Financial must create a spreadsheet labeled "L24-00007OneCapitalFinancialInc." The spreadsheet must list each transaction for which One Capital Financial provided refunds, and each transaction that One Capital Financial 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 One Capital Financial released the lien, if applicable
 - h. Date of the release of lien

- i. Name of any person that One Capital Financial assigned the transaction to, if applicable
12. **No later than 30 days after the date of this Order**, One Capital Financial 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.
13. One Capital Financial 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. One Capital Financial 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, One Capital Financial 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.⁹

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 Matthew Nance, General Counsel, by mail to 2601 N. Lamar Blvd., Austin, TX 78705, or by email to matthew.nance@occc.texas.gov.

⁹ Tex. Fin. Code § 14.208(c).

¹⁰ Tex. Fin. Code §§ 14.208(b), 342.156.

¹¹ Tex. Fin. Code §§ 14.208(b), 342.156.

If you request a hearing, a hearing 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, the Order will be considered final and enforceable.¹³

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 18th day of January, 2024.

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

¹² Tex. Fin. Code §§ 14.208(b), 342.156.

¹³ Tex. Fin. Code §§ 14.208(b), 342.156.

CERTIFICATE OF SERVICE

I certify that on January 18, 2024, a true and correct copy of this Order of Revocation has been sent to One Capital Financial, Inc. d/b/a One Capital Financial by the following:

One Capital Financial, Inc.
Attn: Jerry Parra, Compliance Officer
1940 W. Orangewood Ave. Ste. 100
Orange, CA 92868
jparra@onecapitalfinancial.com
info@onecapitalfinancial.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0044 6956 98

One Capital Financial, Inc.
Attn: Texan Registered Agent LLC,
Registered Agent
5900 Balcones Drive Ste. 100
Austin, TX 78731
agent@texasregisteredagent.net

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0044 6961 83

/s/Matthew Nance
Matthew J. Nance
General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
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