

OCCC CASE NO. L24-00046

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1700058125	§	OFFICE OF CONSUMER
EFS LENDING LLC	§	
d/b/a EFS FINANCE	§	CREDIT COMMISSIONER
3302 AVENUE H., SUITE 112	§	
ROSENBERG, TEXAS 77471	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against EFS Lending LLC d/b/a EFS Finance (“EFS Finance”).¹

Statement of Facts and Law

EFS Finance is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. EFS Finance operates under master file number 1700058125 at one licensed location, under license number 157990. EFS Finance’s compliance officer is Carlota Ceasar, and its designated contact address is 3302 Avenue H, Suite 112, Rosenberg, Texas, 77471.

Under Chapter 393 and its implementing rules, a credit access business must file quarterly and annual reports with the OCCC for all licensed locations.² All information on the reports must be accurate and calculated in accordance with the OCCC’s instructions.³ The reports are due by the following deadlines each year:

- First quarter report: April 30
- Second quarter report: July 31
- Third quarter report: October 31
- Fourth quarter report and annual report: January 31.⁴

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code §§ 393.622, 393.627; 7 Tex. Admin. Code § 83.5001(a).

³ 7 Tex. Admin. Code § 83.5001(a).

⁴ 7 Tex. Admin. Code § 83.5001(b)(1); <https://occc.texas.gov/industry/cabs/reporting>.

On January 22, 2024, the OCCC issued an Order to File Timely and Accurate Quarterly and Annual Reports against EFS Finance for failing to timely file its 2023 third quarter report. EFS Finance did not request a hearing on the Order, and the Order became final and enforceable. The Order required EFS Finance to timely file complete and accurate future quarterly and annual reports.

EFS Finance did not file its 2023 fourth quarter report with the OCCC by the deadline of January 31, 2024.

The Consumer Credit Commissioner (“Commissioner”) may issue an injunction ordering a credit access business to file one or more complete, accurate, and timely quarterly or annual reports if the Commissioner has reasonable cause to believe that the credit access business is violating Chapter 393 of the Texas Finance Code.⁵ The Commissioner may impose an administrative penalty on a credit access business that violates an injunction.⁶

By failing to timely file its 2023 fourth quarter report, EFS Finance has violated Chapter 393 of the Texas Finance Code and the OCCC’s Order to File Timely and Accurate Quarterly and Annual Reports.

Order

IT IS ORDERED that EFS Lending LLC d/b/a EFS Finance:

1. pay an administrative penalty in the amount of **\$500.00** (calculated as \$500.00 each for EFS Finance’s one licensed location that failed to file) no later than 30 days after the date of this Order; and
2. file its 2023 fourth quarter report no later than 30 days after the date of this Order, if it has not already done so.

Credit access business quarterly and annual reports must be submitted through the OCCC’s Application Licensing Examination and Compliance System (ALECS): alecs.occc.texas.gov. Instructions are available by clicking the “File Annual Report” button on the OCCC’s home page, occc.texas.gov.

⁵ Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(1).

⁶ Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(2)-(3).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ Your request must be made in writing and sent to the OCCC no later than 30 days after the date of this Order. You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 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.⁸ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.⁹

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel, who may be contacted 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 24th day of April, 2024.

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on April 24, 2024, a true and correct copy of this Order Imposing Administrative Penalty has been sent to EFS Lending LLC d/b/a EFS Finance by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0057 4316 58

EFS Lending LLC

Attn: Carlota Ceasar, Compliance Officer

3302 Avenue H, Suite 112

Rosenberg, TX 77471

CMRRR # 9214 8901 9403 8300 0057 4316 65

EFS Lending LLC

Attn: The Cleaning Agents, Registered Agent

9950 Westpark Drive, Suite 280

Houston, TX 77063

/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