

OCCC CASE NO. L24-00055

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1400000103	§	OFFICE OF CONSUMER
CREDITGUARD OF AMERICA INC.	§	
2755 NW 63RD COURT	§	CREDIT COMMISSIONER
FORT LAUDERDALE, FLORIDA 33309	§	
	§	STATE OF TEXAS

**ORDER IMPOSING ADMINISTRATIVE PENALTY**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against CreditGuard of America Inc. (“CreditGuard of America”).<sup>1</sup>

**Statement of Facts and Law**

CreditGuard of America is a debt management services provider registered with the OCCC under Chapter 394 of the Texas Finance Code. CreditGuard of America operates under master file number 1400000103 at one location, under registration number 125694. CreditGuard of America’s compliance officer is Roger Costa, and its designated contact address is 2755 NW 63rd Court, Fort Lauderdale, Florida 33309.

A debt management services provider must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> Additionally, a debt management services provider must annually file the following required documents with the Commissioner:

- (1) a blank copy of the provider’s written debt management services agreement;<sup>3</sup>
- (2) blank copies of credit counseling information provided to consumers;<sup>4</sup>
- (3) a surety bond or evidence that the provider maintains an insurance policy.<sup>5</sup>

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<sup>1</sup> Tex. Fin. Code § 14.208(a).

<sup>2</sup> Tex. Fin. Code § 394.205(b); 7 Tex. Admin. Code § 88.202(b).

<sup>3</sup> Tex. Fin. Code § 394.205(d); 7 Tex. Admin. Code § 88.202(c)(1).

<sup>4</sup> Tex. Fin. Code § 394.205(d); 7 Tex. Admin. Code § 88.202(c)(2).

<sup>5</sup> Tex. Fin. Code § 394.206; 7 Tex. Admin. Code § 88.202(c)(3).

A provider must comply with all instructions from the Commissioner relating to submitting the report.<sup>6</sup> The annual report and required documents are due by January 31 of each year.<sup>7</sup>

On June 26, 2019, the OCCC issued an Order to File Timely and Accurate Annual Reports and Required Documents (the “Order”) against CreditGuard of America for violating Chapter 394 of the Texas Finance Code by failing to timely file its 2018 annual report. The Order required CreditGuard of America to timely file all future annual reports.

On April 15, 2021, the OCCC issued an Order Imposing Administrative Penalty against CreditGuard of America for violating Chapter 394 of the Texas Finance Code by failing to timely file its 2020 annual report and required documents. The Order required CreditGuard of America to file its 2020 annual report and required documents, and to pay an administrative penalty of \$500.00.

CreditGuard of America did not file its 2023 annual report by January 31, 2024, and did not provide the required documents described above by January 31, 2024.

The Commissioner may issue an injunction ordering a debt management services provider to file one or more complete, timely, and accurate annual reports and required documents if the Commissioner has reasonable cause to believe that the provider is violating Chapter 394 of the Texas Finance Code.<sup>8</sup> The Commissioner may impose an administrative penalty on a provider that violates an injunction.<sup>9</sup>

By failing to timely file its 2023 annual report and required documents, CreditGuard of America has violated Chapter 394 of the Texas Finance Code and the OCCC’s Order to File Timely and Accurate Annual Reports and Required Documents.

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<sup>6</sup> 7 Tex. Admin. Code § 88.202(a).

<sup>7</sup> 7 Tex. Admin. Code § 88.201(c).

<sup>8</sup> Tex. Fin. Code § 14.208(a).

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

## Order

IT IS ORDERED that CreditGuard of America Inc.:

1. pay an administrative penalty in the amount of **\$1,000.00** (calculated as \$1,000.00 each for CreditGuard of America's one registered location) within 30 days of the date of this Order; and
2. file its 2023 annual report and all required documents within 30 days of the date of this Order, if it has not already done so.

Annual reports for debt management services providers must be submitted through the OCCC's Application Licensing Examination Compliance System (ALECS): [alecs.occ.texas.gov](http://alecs.occ.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occ.texas.gov](http://occ.texas.gov).

### Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>10</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. You must send your request to Vivek Vedanarayanan Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to [vivek.vedanarayanan@occ.texas.gov](mailto:vivek.vedanarayanan@occ.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.<sup>11</sup> If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.<sup>12</sup>

All communications with the OCCC concerning this matter must be through Vivek Vedanarayanan, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at 512-936-7623, or by email at [vivek.vedanarayanan@occ.texas.gov](mailto:vivek.vedanarayanan@occ.texas.gov).

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

<sup>11</sup> Tex. Fin. Code § 14.208(b).

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

Signed this 24th day of May, 2024.

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

**CERTIFICATE OF SERVICE**

I certify that on May 24, 2024, a true and correct copy of this Order Imposing Administrative Penalty has been sent to CreditGuard of America Inc. by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0061 1277 69  
CreditGuard of America Inc.  
Attn: Roger Costa, Compliance Officer  
2755 NW 63rd Court  
Fort Lauderdale, FL 33309

/s/ Vivek V. Vedanarayanan  
Vivek V. Vedanarayanan  
Assistant General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 24127068  
2601 North Lamar Blvd.  
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