

OCCC CASE NO. L24-00079

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 17970	§	OFFICE OF CONSUMER
WEST FINANCIAL SERVICES LLC	§	
d/b/a FENIX FINANCE	§	CREDIT COMMISSIONER
2400 W. AVE., STE. 1	§	
SAN ANTONIO, TEXAS 78201	§	STATE OF TEXAS

ORDER TO FILE TIMELY AND ACCURATE ANNUAL REPORTS

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Annual Reports against West Financial Services LLC d/b/a Fenix Finance (“Fenix Finance”).¹

Statement of Facts and Law

Fenix Finance is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Fenix Finance operates under master file number 17970 at multiple licensed locations, under license numbers 2523, 66018, and 66020. Fenix Finance’s compliance officer is Stephen Leggett, and its designated contact address is 2400 W. Ave., Ste. 1, San Antonio, Texas 78201.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A regulated lender must comply with all instructions from the OCCC relating to submitting the report.³ The report is due by May 1 of each year for the prior calendar year’s loan activity.⁴

Fenix Finance did not file its 2023 annual report with the OCCC on or before May 1, 2024.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559.

³ 7 Tex. Admin. Code § 83.835.

⁴ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports

The Commissioner may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is violating Chapter 342 of the Texas Finance Code.⁵

The Commissioner has reasonable cause to believe that Fenix Finance is violating Chapter 342 of the Texas Finance Code, and therefore issues this Order, because Fenix Finance failed to timely file its 2023 annual report.

Order

IT IS ORDERED that West Financial Services LLC d/b/a Fenix Finance:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 342.559 of the Texas Finance Code and Title 7, Section 83.835 of the Texas Administrative Code;
2. file its 2023 annual report within 30 days after the date of this Order, if it has not already done so; and
3. timely file complete and accurate future annual reports.

Regulated lender annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): alecs.occ.texas.gov. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occ.texas.gov.

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 per day.⁶ Multiple violations may also result in the suspension or revocation of your license.⁷

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

⁷ Tex. Fin. Code § 342.156.

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁸ 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.⁹ 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@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.¹⁰ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.

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@occc.texas.gov.

Signed this 22nd day of July, 2024.

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

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(b).

CERTIFICATE OF SERVICE

I certify that on July 22, 2024, a true and correct copy of this Order to File Timely and Accurate Annual Reports has been sent to West Financial Services LLC d/b/a Fenix Finance by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0066 3404 53
West Financial Services LLC
Attn: Stephen Leggett, Compliance Officer
2400 W. Ave., Ste. 1
San Antonio, TX 78201

CMRRR # 9214 8901 9403 8300 0066 3404 60
West Financial Services LLC
Attn: Stephen Leggett, Registered Agent
2218 Monarch Terrace Dr.
Katy, TX 77494

/s/ Vivek V. Vedanarayanan
Vivek V. Vedanarayanan
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24127068
2601 North Lamar Blvd.
Austin, Texas 78705
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vivek.vedanarayanan@occc.texas.gov