

OCCC CASE NO. L24-00112

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 4964	§	OFFICE OF CONSUMER
GUNN MISSION LEASING LTD.	§	
d/b/a GUNN ACURA	§	CREDIT COMMISSIONER
11911 IH 10 W	§	
SAN ANTONIO, TEXAS 78230	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Gunn Mission Leasing Ltd. d/b/a Gunn Acura (“Gunn Acura”), based on the violations of law described below.¹

Statement of Facts and Law

Gunn Acura is a motor vehicle dealer that holds a motor vehicle sales finance license issued by the OCCC under Chapter 348 of the Texas Finance Code. Gunn Acura operates under master file number 4964 at one licensed location, under license number 36415. Gunn Acura’s compliance officer is Adrian Guevara, and its designated contact address is 11911 IH 10 W, San Antonio, Texas 78230.

Gunn Acura is part of the Gunn Automotive Group. The Gunn Automotive Group has stated that it follows a “One Simple Price” philosophy, with which a buyer “can have confidence knowing that the vehicle of your choosing is priced to show exactly how much you save when shopping with the Gunn Automotive Group team.”²

Under Chapter 348 of the Texas Finance Code, the principal balance of a motor vehicle retail installment contract is calculated by adding the cash price of the motor vehicle, authorized amounts for itemized charges, and a documentary fee, and subtracting any downpayment.³ The cash price is the price at which the retail

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Gunn Automotive Group, “The Gunn Philosophy – One Simple Price,” <https://www.gunnauto.com/the-gunn-philosophy.htm> (accessed Sept. 3, 2024).

³ Tex. Fin. Code § 348.006(a).

seller offers in the ordinary course of business to sell the motor vehicle for cash.⁴ The cash price may include the price of services related to the sale.⁵ The amounts that are authorized as itemized charges are: (1) fees for registration, certificate of title, and license; (2) taxes; (3) inspection or sale fees prescribed by law; and (4) certain charges authorized by statute for insurance, service contracts, warranties, an automobile club membership, a trade-in credit agreements, or a debt cancellation agreement.⁶ Chapter 348 does not authorize any other itemized charges to be included in the principal balance of a retail installment contract.

The OCCC examined Gunn Acura in February 2024. During the examination, the OCCC identified motor vehicle retail installment transactions in which Gunn Acura included a \$250 “DEALER SERVICE FEE” in the itemized charges of the retail installment contract. In its examination report, the OCCC cited Gunn Acura for violating Section 348.005 of the Texas Finance Code by including an unauthorized itemized charge and instructed Gunn Acura to perform a self-review. The Gunn Automotive Group identified 800 Gunn Acura transactions with improperly disclosed dealer service fees. The Gunn Automotive Group has stated that this violation occurred unintentionally because of a data mapping error with the provider of its paper and digital contracts.

Gunn Acura violated Chapter 348 of the Texas Finance Code by including an unauthorized dealer service fee as an itemized charge in the principal balance of motor vehicle retail installment contracts.

Order & Agreement

In lieu of ordering Gunn Acura to make restitution of all unauthorized dealer service fees, the OCCC and Gunn Acura enter this Agreed Order.

By signing below, Gunn Acura acknowledges these violations, waives all rights to any hearing or appeal, agrees to pay the administrative penalty below, and otherwise agrees to comply with this Order and Texas Law.

⁴ Tex. Fin. Code § 348.004(a).

⁵ Tex. Fin. Code § 348.004(c).

⁶ Tex. Fin. Code § 348.005.

IT IS ORDERED that:

1. **No later than October 11, 2024**, Gunn Acura must pay an administrative penalty in the amount of \$20,000.00 to the OCCC.
2. Gunn Acura must cease and desist charging unauthorized amounts as itemized charges in motor vehicle retail installment transactions.
3. In future retail installment transactions, Gunn Acura must ensure that any charges for dealer services are included in the cash price disclosed to the retail buyer.
4. In any future advertisements where Gunn Acura discloses “One Simple Price” or a similar single sales price, Gunn Acura must ensure that any dealer service fee is included in the advertised sale price.⁷

Violation of Order

If Gunn Acura violates this Order in the future, this may result in one or more of the following actions by the OCCC: (1) an administrative penalty of up to \$1,000 for each day of violation of this Order, (2) an order to refund unauthorized fees, or (3) suspension or revocation of Gunn Acura’s motor vehicle sales finance license.⁸

⁷ See Tex. Fin. Code § 341.403(a) (prohibiting false, misleading, or deceptive advertising); 43 Tex. Admin. Code § 215.250 (containing requirements for advertising a motor vehicle sales price).

⁸ Tex. Fin. Code §§ 14.208, 14.251, 348.508.

Signed this 26th day of September, 2024.

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

AGREED:

/s/ Hunter Hale
Hunter Hale
President
Gunn Automotive Group
(signed electronically with permission)

CERTIFICATE OF SERVICE

I certify that on September 26, 2024, a true and correct copy of this Agreed Order has been sent to Gunn Mission Leasing Ltd. d/b/a Gunn Acura by the following:

Karen Phillips
Texas Automobile Dealers Association
1108 Lavaca St., Suite 800
Austin, TX 78701
kphillips@tada.org

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested

Attorney for Gunn Mission Leasing Ltd.

Gunn Mission Leasing Ltd.
Attn: Adrian Guevara, Compliance
Officer
11911 IH 10 W
San Antonio, TX 78230
aguevara@gunnauto.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested

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