

OCCC CASE NO. L24-00115

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1900065450	§	OFFICE OF CONSUMER
EC MARKETING, LLC	§	
4150 INTERNATIONAL PLAZA,	§	CREDIT COMMISSIONER
SUITE 300	§	
FORT WORTH, TEXAS 76109	§	STATE OF TEXAS

ORDER TO ALLOW EXAMINATION AND TO FURNISH INFORMATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Allow Examination and to Furnish Information against EC Marketing, LLC (“EC Marketing”), based on the violations of law described below.¹

Statement of Facts and Law

EC Marketing is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. EC Marketing operates under master file number 1900065450, regulated lender license number 163519, located at 4150 International Plaza, Suite 300, Fort Worth, Texas 76109. EC Marketing’s compliance officer is Elaine Dandridge, and its designated contact address is 4150 International Plaza, Suite 300, Fort Worth, Texas 76109.

A. Failure to Allow Examination

Under Chapter 342 of the Texas Finance Code, at times the OCCC considers necessary, the OCCC will examine each place of business of each licensed regulated lender and will investigate the licensee’s transactions and records.² A licensee must give the OCCC free access to its files.³ If the OCCC has reasonable cause to believe that a person is violating Chapter 342, then the OCCC may conduct an investigation to discover a violation or obtain required information.⁴

In October 2023, the OCCC attempted to examine EC Marketing. As part of the examination, the OCCC requested any agreements between EC Marketing and

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.552(a).

³ Tex. Fin. Code § 342.552(b).

⁴ Tex. Fin. Code §§ 14.201, 14.202, 342.553(a).

third-party consumer-facing website owners, and any agreements between EC Marketing and CC Bank of Utah. EC Marketing objected to this request and did not provide the requested records to the OCCC. By failing to make records available for examination, EC Marketing has violated Chapter 342 and its implementing rules.

B. Business Operation Plan

A person must hold a license with the Office of Consumer Credit Commissioner to engage in the business of making, transacting, or negotiating loans subject to Chapter 342 of the Texas Finance Code.⁵ Under Chapter 342, the application for a license must be under oath, give the approximate location from which business is to be conducted, identify the business's principal parties interest, and contain other relevant information the commissioner requires.⁶ Under Chapter 342's implementing rules, an application must include a business operation plan that includes a brief narrative explaining the type of lending operation planned.⁷

In the business operation plan submitted with its license application, EC Marketing (at the time called "CC Marketing") stated that it "plans to broker closed-end installment loans of \$500- \$5,000 to Texas residents via the Internet on behalf of one or more state-chartered banks."⁸ In a September 2023 letter sent during the OCCC examination, EC Marketing claimed to only be a connection "between the bank (CC Bank) and the advertisement or third-party website that directs the consumer . . . to the credit application." No response from EC Marketing indicates that it has brokered or continues to broker regulated loans.

Because EC Marketing failed to accurately describe its business operations plan in its license application, EC Marketing has violated Chapter 342 and its implementing rules.

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, an

⁵ Tex. Fin. Code § 342.051.

⁶ Tex. Fin. Code § 342.101.

⁷ 7 Tex. Admin. Code § 83.302(1)(I).

⁸ CC Marketing ("The Company") Business Plan (submitted Jan. 7, 2020).

order to take affirmative action, or both to enforce compliance.⁹

The Commissioner has reasonable cause to believe that EC Marketing has violated Chapter 342 of the Texas Finance Code and its implementing rules by failing to make records available for examination, and by failing to provide an accurate business operations plan.

Order

IT IS ORDERED THAT:

1. EC Marketing must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. EC Marketing must allow the OCCC to conduct an investigation of its location, records, and transactions.
3. **No later than 30 days after the date of this Order**, EC Marketing must provide the OCCC with complete copies of any agreements between EC Marketing and third-party consumer-facing website owners, and complete copies of any agreements between EC Marketing and CC Bank of Utah. The information must be sent by email to Audrey Spalding at audrey.spalding@occc.texas.gov.
4. **No later than 30 days after the date of this Order**, EC Marketing must send the OCCC a current, accurate, and complete business operations plan. The information must be sent by email to Audrey Spalding at audrey.spalding@occc.texas.gov.

⁹ Tex. Fin. Code § 14.208(a).

Violation of Order

EC Marketing may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.¹⁰ A violation may also result in the suspension or revocation of EC Marketing's license.¹¹

Right to Request Hearing

EC Marketing has the right to request a hearing regarding this Order.¹² A request for a hearing must be made in writing and sent to the OCCC not later than 30 days after the date of this Order.¹³ The request must be sent 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 EC Marketing requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁴ If EC Marketing fails to request a hearing by this deadline, this Order is considered final and enforceable.¹⁵

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 6th day of November 2024.

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

¹⁰ Tex. Fin. Code § 14.208(c).

¹¹ Tex. Fin. Code §§ 342.156, 342.552(e).

¹² Tex. Fin. Code § 14.208(b).

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(b).

¹⁵ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on November 6, 2024, a true and correct copy of this Order to Allow Examination and to Furnish Information has been sent to EC Marketing, LLC by the following methods:

EC Marketing, LLC
Attn: Elaine Dandridge, Compliance Officer
4150 International Plaza, Suite 300
Fort Worth, TX 76109
edandridge@elevate.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0086 5393 01

EC Marketing, LLC
Attn: Corporation Service Company,
Registered Agent
211 East 7th # 620
Austin, TX 78701
sop@cscglobal.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0086 5393 18

/s/ Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
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