

OCCC CASE NO. L25-044

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2100070275	§	OFFICE OF CONSUMER
VICENTE LOPEZ	§	
d/b/a BV AUTO SALES	§	CREDIT COMMISSIONER
602 WEST MALONE	§	
SAN ANTONIO, TEXAS 78225	§	STATE OF TEXAS

**ORDER TO CEASE AND DESIST UNLICENSED ACTIVITY,
TO TAKE AFFIRMATIVE ACTION, AND TO MAKE RESTITUTION**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist Unlicensed Activity, to Take Affirmative Action, and to Make Restitution against Vicente Lopez d/b/a BV Auto Sales (“BV Auto Sales”), based on the violations of law described below.¹

Statement of Facts and Law

Under Chapter 348 of the Texas Finance Code, a person must hold a motor vehicle sales finance license in order to act as a holder of motor vehicle retail installment contracts.² A holder includes a dealer that sells motor vehicles and agrees to accept the cash price in one or more deferred installments.³

BV Auto Sales 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. BV Auto Sales operates under master file number 2100070275 at one licensed location, under license number 167153. BV Auto Sales’ compliance officer is Vicente Lopez, and its designated contact address is 602 West Malone, San Antonio, Texas 78225.

The OCCC issued BV Auto Sales’ motor vehicle sales finance license on January 20, 2022. In its license application, BV Auto Sales answered “No” to questions about whether it had made previous retail installment contracts and whether it had sold vehicles for multiple payments.

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Tex. Fin. Code § 348.501.

³ Tex. Fin. Code § 348.001(3), (7), (8).

The OCCC examined BV Auto Sales in March 2024. During the examination, the OCCC identified records of 27 motor vehicle retail installment transactions that BV Auto Sales entered before the effective date of its license, with the earliest transaction occurring in August 2020. After the examination, OCCC licensing staff instructed BV Auto Sales to complete a statement of its previous financing activity. BV Auto Sales sent a statement to the OCCC identifying only seven transactions. The OCCC sent a follow-up request instructing BV Auto Sales to disclose all financing that occurred without a license. BV Auto Sales did not provide a revised statement of previous financing activity in response to the OCCC's follow-up request.

Authority

If the Consumer Credit Commissioner (“Commissioner”) has reasonable cause to believe that a person is violating Chapter 348 of the Texas Finance Code, the Commissioner may issue an order to cease and desist from the violation, to take affirmative action, or both to ensure compliance.⁴ Additionally, the Commissioner may order a person who violates Chapter 348 or a rule adopted under Chapter 348 to make restitution to an identifiable person injured by the violation.⁵

The Commissioner has reasonable cause to believe that BV Auto Sales violated Chapter 348 of the Texas Finance Code by acting as a holder in motor vehicle retail installment transactions without a motor vehicle sales finance license.

Order

IT IS ORDERED that:

1. BV Auto Sales must comply with, and cease and desist violating, the motor vehicle sales finance license requirement found in Section 348.501 of the Texas Finance Code.
2. BV Auto Sales must cease and desist collecting payments on any retail installment transactions that it entered before January 20, 2022.

⁴ Tex. Fin. Code § 14.208(a).

⁵ Tex. Fin. Code § 14.251(b).

3. BV Auto Sales must cease and desist repossessing motor vehicles in connection with any retail installment transactions that it entered before January 20, 2022.
4. BV Auto Sales must cease and desist selling any repossessed motor vehicles in connection with any retail installment transactions that it entered before January 20, 2022.
5. **No later than 30 days after the date of this Order**, BV Auto Sales must perform a self-review and identify each outstanding motor vehicle retail installment transaction entered before January 20, 2022, including each sale of a motor vehicle in which:
 - a. BV Auto Sales entered a retail installment contract before January 20, 2022;
 - b. BV Auto Sales accepted payments in one or more deferred installments before January 20, 2022; or
 - c. BV Auto Sales held a lien before January 20, 2022.
6. **No later than 30 days after the date of this Order**, BV Auto Sales must refund any finance charges that it charged or received from any retail buyers in connection with retail installment transactions entered before January 20, 2022.
7. **No later than 30 days after the date of this Order**, BV Auto Sales must release any liens that are currently filed in BV Auto Sales' name in connection with retail installment transactions entered before January 20, 2022. BV Auto Sales may not charge a fee to any buyer for releasing these liens.
8. **No later than 30 days after the date of this Order**, BV Auto Sales must identify each retail installment transaction that it entered before January 20, 2022, and assigned to another person.
9. **No later than 30 days after the date of this Order**, BV Auto Sales must create a spreadsheet labeled "L25-044_BVAutoSales." The spreadsheet must list each transaction for which BV Auto Sales provided refunds, each transaction for which BV Auto Sales released a lien, and each transaction that BV Auto Sales assigned to another person, as described above. The

spreadsheet must include a row for each consumer and the following columns:

- a. Account number
 - b. First and last name of buyer
 - c. Date of retail installment transaction
 - d. Dollar amount of finance charge
 - e. Dollar amount of finance charge refunded to the buyer
 - f. Date of the refund
 - g. Date on which BV Auto Sales released the lien, if applicable
 - h. Name of any person that BV Auto Sales assigned the transaction to, if applicable
10. **No later than 30 days after the date of this Order**, BV Auto Sales must send a copy of the spreadsheet to the OCCC. The spreadsheet must be sent by email to Matthew Nance at matthew.nance@occc.texas.gov.
11. BV Auto Sales must retain transaction records for each loan or other credit transaction, including copies of any refund checks and any ledgers showing account credits, until the later of the following:
- a. the fourth anniversary of the date of the transaction; or
 - b. the second anniversary of the date on which the final entry is made in the record.

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.⁶ A violation of this Order may also result in suspension or revocation of your motor vehicle sales finance license.⁷

⁶ Tex. Fin. Code § 14.208(c).

⁷ Tex. Fin. Code § 348.508.

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 Matthew Nance, General Counsel, by mail to 2601 N. Lamar Blvd., Austin, TX 78705, or by email to matthew.nance@occc.texas.gov.

If you request a hearing, a hearing will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁰ If you fail to request a hearing by this deadline, the Order will be considered final and enforceable.¹¹

All communications with the OCCC concerning this matter must be through Matthew Nance, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, TX 78705, by telephone at 512-936-7660, or by email to matthew.nance@occc.texas.gov.

Signed this 17th day of April, 2025.

/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).

¹¹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on April 17, 2025, a true and correct copy of this Order to Cease and Desist Unlicensed Activity, to Take Affirmative Action, and to Make Restitution has been sent to Vicente Lopez d/b/a BV Auto Sales by the following:

Vicente Lopez d/b/a BV Auto Sales
Attn: Vicente Lopez, Compliance
Officer
602 West Malone
San Antonio, TX 78225
vicentelopez2616@gmail.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0010 1092 04

Vicente Lopez d/b/a BV Auto Sales
Attn: Hugo Garces, Registered Agent
266 Corliss
San Antonio, TX 78220
hugogarcesd@gmail.com

- email
- eFileTexas.gov electronic service
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0010 1095 63

/s/ Matthew Nance
Matthew J. Nance
General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 N. Lamar Blvd.
Austin, TX 78705
512-936-7660 (phone)
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