

OCCC CASE NO. L18-00152

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1500052312	§	OFFICE OF CONSUMER
A J BOTTS INC.	§	
d/b/a A&A AUTO SALE	§	CREDIT COMMISSIONER
2700 MANSFIELD HIGHWAY	§	
FORT WORTH, TEXAS 76119	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order under Section 14.251 of the Texas Finance Code against A J Botts Inc. d/b/a A&A Auto Sale (“A&A Auto Sale”).

Statement of Facts and Law

A motor vehicle sales finance license is required to act as a holder of a motor vehicle retail installment contract.¹ A holder is a person who operates as a retail seller or holds and collects on a contract in which the person agrees to accept the cash price of a motor vehicle in one or more deferred installments.²

On October 30, 2015, the OCCC granted A&A Auto Sale a motor vehicle sales finance license under master file number 1500052312, at one location under license number 153092.³ A&A Auto Sale’s license expired for non-renewal on July 31, 2016.

On December 16, 2017, A&A Auto Sale submitted an application for a motor vehicle sales finance license. A&A Auto Sale’s compliance officer is Alex Barther. The application was not granted due to the unlicensed activity described below.

Records of the Texas Department of Motor Vehicles reflect that beginning July 28, 2014, A&A Auto Sale entered 44 motor vehicle retail installment contracts. A&A Auto Sale’s owner, Alex Barther, had no knowledge of these transactions and filed an incident report

¹ Tex. Fin. Code § 348.501.

² Tex. Fin. Code § 348.001(3), (7), (8).

³ The licensed location was 2700 Mansfield Highway, Fort Worth, Texas 76119. The records of the Texas Secretary of State reflect that the address for A J Botts, Inc. is 6621 Monterrey Drive, Fort Worth, Texas 76112, and that it operates under the assumed names of A&A Auto Sale, A&A Auto Sale and Service, and A&A Enterprise.

with the Fort Worth Police Department regarding these transactions.⁴

A&A Auto Sale acknowledged that it engaged in four transactions where it accepted the cash price of a motor vehicle in one or more deferred installments.⁵ At the time of these transactions, A&A Auto Sale did not hold a motor vehicle sales finance license with the OCCC. Therefore, A&A Auto Sale entered four motor vehicle sales finance transactions without a license, in violation of Section 348.501 of the Texas Finance Code.

Order & Agreement

By signing below, A&A Auto Sale waives all rights to any hearing or appeal, agrees to pay the administrative penalty and make the restitution as identified below, and otherwise agrees to comply with this Order and Texas law.

IT IS ORDERED that A J Botts Inc. d/b/a A&A Auto Sale:

1. No later than **October 1, 2019**, pay an administrative penalty of **Five Hundred Dollars (\$500.00)** to the Office of Consumer Credit Commissioner.
2. No later than **October 1, 2019**, identify all motor vehicle retail installment transaction that you entered without a license and refund the retail buyer any finance charges that you collected or that remain collectible.
3. No later than **October 1, 2019**, provide the OCCC with a spreadsheet of all transactions you identified and all buyers that you gave a refund. This list must include the buyer's name, account number, transaction date, amount financed, amount of finance charges, and refund amount.
4. Keep a copy of each customer's refund check or payment history showing an account credit until the later of your next examination or the required retention period.⁶ During your next examination the OCCC will confirm that you made all the refunds listed in your spreadsheet.

⁴ Case No. 180055198 filed on June 20, 2018.

⁵ These transactions occurred on March 16, 2015, May 5, 2015, August 7, 2015, and August 9, 2015.

⁶ See 7 Tex. Admin. Code § 84.704(b), (g).

Signed this 5th day of September, 2019.

/s/ Leslie L. Pettijohn

Leslie L. Pettijohn
Consumer Credit Commissioner
State of Texas

AGREED:

A J BOTTS INC.
d/b/a A&A AUTO SALE

/s/ Alex Barther
Alex Barther, Owner

CERTIFICATE OF SERVICE

I certify that on September 5, 2019, a true and correct copy of this Agreed was sent to A J Botts, Inc. d/b/a A&A Auto Sale by regular mail and certified mail, return receipt requested, at:

A J Botts Inc. d/b/a A&A Auto Sale
2700 Mansfield Highway
Fort Worth, Texas 76119
abarther@yahoo.com

hand-delivery

facsimile

electronic mail

regular mail

certified mail, return receipt requested
CMRRR # 91 7199 9991 7037 5165 2992

/s/ Michael Rigby
Michael Rigby
General Counsel
Office of Consumer Credit Commissioner
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