

OCCC CASE NO. L19-00280

IN THE MATTER OF:	§	BEFORE THE
	§	
	§	OFFICE OF CONSUMER
MASTER FILE NO.: 1500052299	§	
A&N MOTORS INC.	§	CREDIT COMMISSIONER
3906 WALDO ST., SUITE 2B	§	
HOUSTON, TEXAS 77063	§	STATE OF TEXAS

**ORDER TO ALLOW EXAMINATION AND INVESTIGATION**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Allow Examination and Investigation against A&N Motors Inc. (“A&N Motors”), based on the violations of law described below.<sup>1</sup>

**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 a motor vehicle retail installment contract.<sup>2</sup> 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.<sup>3</sup>

A&N Motors is a motor vehicle sales finance dealer licensed by the OCCC to operate as a holder under Chapter 348 of the Texas Finance Code. A&N Motors operates under master file number 1500052299 at one licensed location, under license number 153233. A&N Motors’ compliance officer is Erica Zakhem, and its designated contact address is 3906 Waldo St., Suite 2B, Houston, Texas 77063.

Under Chapter 348 of the Texas Finance Code, at times the OCCC considers necessary, the OCCC will examine each place of business of each licensee, and will investigate the licensee’s transactions and records.<sup>4</sup> A licensee must give the OCCC free access to the licensee’s office and place of business.<sup>5</sup>

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<sup>1</sup> Tex. Fin. Code § 14.208.  
<sup>2</sup> Tex. Fin. Code § 348.501.  
<sup>3</sup> Tex. Fin. Code § 348.001(3), (7), (8).  
<sup>4</sup> Tex. Fin. Code § 348.514(a).  
<sup>5</sup> Tex. Fin. Code § 348.514(b).

The OCCC may conduct an examination after advance notice and during normal business hours.<sup>6</sup> If the OCCC has reasonable cause to believe that a person is violating Chapter 348, then the OCCC may conduct an investigation to discover a violation or obtain required information.<sup>7</sup> Under Chapter 348's implementing rules, a licensee is responsible for ensuring that all contact information on file with the OCCC is current and correct.<sup>8</sup>

On April 12, 2019, after advance notice, the OCCC attempted to examine A&N Motors' licensed location at 3907 Waldo St., Suite 2B, Houston, Texas 77063. The OCCC was not able to examine the licensed location because it was not open to the public. Other attempts to contact A&N Motors were not returned. By failing to allow the OCCC to examine its licensed location, records, and transactions, A&N Motors violated Chapter 348 of the Texas Finance Code.

### **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, an order to take affirmative action, or both to enforce compliance.<sup>9</sup>

The Commissioner has reasonable cause to believe that A&N Motors has violated Chapter 348 of the Texas Finance Code by failing to allow the OCCC to examine its licensed location, records, and transactions.

### **Order**

IT IS ORDERED that:

1. A&N Motors must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. A&N Motors must allow the OCCC to conduct an investigation of its location, records, and transactions.

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<sup>6</sup> Tex. Fin. Code § 348.514(f).

<sup>7</sup> Tex. Fin. Code § 348.515.

<sup>8</sup> 7 Tex. Admin. Code § 84.607(c).

<sup>9</sup> Tex. Fin. Code § 14.208(a).

3. **No later than August 21, 2019**, A&N Motors must send a letter to the OCCC stating the complete address of any location where A&N Motors may be examined and investigated. The letter must also state the complete address of any location where A&N Motors conducts business, keeps records of transactions, or receives payments from retail buyers. The letter must be sent by e-mail to Matthew Nance at [matthew.nance@occc.texas.gov](mailto:matthew.nance@occc.texas.gov).
4. **No later than August 21, 2019**, A&N Motors must ensure that all contact information for A&N Motors is current and correct in the OCCC's online licensing system.

### **Violation of Order**

A&N Motors may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.<sup>10</sup> A violation of this Order may result in the revocation of A&N Motors' license.<sup>11</sup>

### **Right to Request Hearing**

A&N Motors has the right to request a hearing regarding this Order.<sup>12</sup> A&N Motors' request must be made in writing and sent to the OCCC not later than 30 days after A&N Motors receives this Order. A&N Motors must send its request to:

Matthew Nance  
Office of Consumer Credit Commissioner  
2601 N. Lamar Blvd.  
Austin, Texas 78705

If A&N Motors requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>13</sup> If A&N Motors fails to request a hearing by this deadline, this Order is considered

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<sup>10</sup> Tex. Fin. Code § 14.208(c).

<sup>11</sup> Tex. Fin. Code § 348.508.

<sup>12</sup> Tex. Fin. Code § 14.208(b).

<sup>13</sup> Tex. Fin. Code § 14.208(b).

final and enforceable.<sup>14</sup>

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

Signed this 15th day of July, 2019.

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

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<sup>14</sup> Tex. Fin. Code § 14.208(c).

**CERTIFICATE OF SERVICE**

I certify that on July 15, 2019, a true and correct copy of this Order to Allow Examination and Investigation has been sent to A&N Motors Inc. by the following:

A&N Motors Inc.  
Attn: Erica Zakhem, Compliance Officer  
3906 Waldo St., Suite 2B  
Houston, TX 77063  
zakherica@gmail.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested  
#91 7199 9991 7037 5193 4098

A&N Motors Inc.  
Attn: Erica Zakhem, Registered Agent  
1220 Winrock Blvd. #6310  
Houston, TX 77057

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested  
#91 7199 9991 7037 5193 4104

/s/ Matthew Nance

Matthew J. Nance  
Deputy General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 24074794  
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matthew.nance@occc.texas.gov