

OCCC CASE NO. L17-130

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NUMBER: 1500051715	§	OFFICE OF CONSUMER
INDALECIO FLORES	§	CREDIT COMMISSIONER
d/b/a EL TEJANO MOTORS	§	
13211 DESSAU ROAD	§	STATE OF TEXAS
AUSTIN, TEXAS 78754	§	

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order regarding Indalecio Flores d/b/a El Tejano Motors (“El Tejano Motors”).¹

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.² 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.³

A person who is required to hold a motor vehicle sales finance license must ensure that each office at which retail installment transactions are made, serviced, held, or collected is licensed or otherwise authorized to make, service, hold, or collect retail installment transactions.⁴ A person may not use any device, subterfuge, or pretense to evade the application of this section.⁵

If the 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.⁶ Additionally, the Commissioner may order a

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Tex. Fin. Code § 348.501.

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

⁴ Tex. Fin. Code § 348.501(b).

⁵ Tex. Fin. Code § 348.501(d).

⁶ Tex. Fin. Code § 14.208(a).

person who violates Chapter 348 or a rule adopted under Chapter 348 to make restitution to an identifiable person injured by the violation.⁷

On March 23, 2015, El Tejano Motors applied for a motor vehicle sales finance license. During the course of processing the application, the OCCC discovered that El Tejano Motors was engaging in motor vehicle financing. On September 6, 2016, and September 22, 2016, the OCCC requested additional information from El Tejano Motors. El Tejano Motors did not respond to the first request. On October 14, 2016, El Tejano Motors responded to the second request but its response was incomplete.

On January 12, 2017, the OCCC notified El Tejano Motors that its application for a motor vehicle sales license had been denied. El Tejano Motors failed to obtain a Chapter 348 license and continues to operate as a retail seller and to hold and collect on contracts in which El Tejano Motors agrees to accept the cash price of motor vehicles in one or more deferred installments.

The Commissioner has reasonable cause to believe that El Tejano Motors is financing the sale of motor vehicles without a license, in violation of Section 348.501 of the Texas Finance Code.

In order to resolve this matter, El Tejano Motors agrees to pay an administrative penalty in the amount of \$900.00

Order

IT IS ORDERED that Indalecio Flores d/b/a El Tejano Motors:

- (1) comply with, and cease and desist from violating, the motor vehicle sales finance license requirement, found in Section 348.501 of the Texas Finance Code;
- (2) cease and desist from advertising or engaging in transactions in which it agrees to accept the cash price of a motor vehicle in one or more deferred installments without a license;

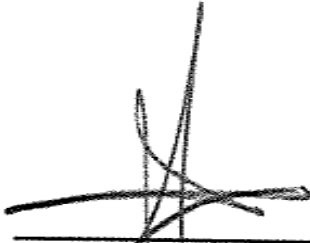
⁷ Tex. Fin. Code § 14.251(b).

- (3) cease and desist from collecting payments on existing transactions or entering into new transactions that require a motor vehicle sales finance license without a license; and
- (4) pay an administrative penalty in the amount of \$900.00 no later than October 15, 2018.

Signed this 20th day of August, 2018.

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

AGREED:

A handwritten signature in black ink, appearing to be 'Indalecio Flores', written over a horizontal line.

Indalecio Flores d/b/a El Tejano Motors

CERTIFICATE OF SERVICE

I certify that on August 21, 2018, a true and correct copy of this Agreed Order has been sent to Indalecio Flores d/b/a El Tejano Motors, through its attorney, Hermes Flores, by:

Indalecio Flores
d/b/a El Tejano Motors
13211 Dessau Road
Austin, Texas 78754
tejanomotoraustin@att.net

hand-delivery

facsimile

electronic mail

CMRRR #: 91 7199 9991 7038 3509 9910

regular mail

certified mail, return receipt requested

Hermes Flores
Hermes E. Flores Law Firm
1901 Ranch Road 620 N.
Lakeway, Texas 78734
hermeseflorespllc@gmail.com

hand-delivery

facsimile

electronic mail

ATTORNEY FOR IDALECIO FLORES

regular mail

CMRRR #: 91 7199 9991 7038 3509 9903

certified mail, return receipt requested

/s/ Michael Rigby
Michael Rigby
Assistant General Counsel
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