

OCCC CASE NO. L18-00130

IN THE MATTER OF:	§	BEFORE THE
MASTER FILE NUMBER: 1700058990	§	
MOHAMMAD TALA ABU	§	OFFICE OF CONSUMER
JOHAR SR.	§	
d/b/a J&J AUTOGROUP	§	CREDIT COMMISSIONER
5665 ARAPAHO RD	§	
DALLAS, TEXAS 75248	§	STATE OF TEXAS

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

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist, to Take Affirmative Action, and to Make Restitution against Mohammad Tala Abu Johar Sr. d/b/a J&J Autogroup (“J&J Autogroup”) based on the violations of law described below.¹

Statement of Facts and Law

A motor vehicle sales finance license is required to sell motor vehicles using a retail installment contract.² In a retail installment contract, the buyer pays the cash price of a motor vehicle in one or more deferred installments.³

On July 26, 2017, J&J Autogroup submitted an application for a motor vehicle sales finance license. J&J Autogroup’s compliance officer is Mohammad Abu Johar. The OCCC has not granted a license to Mohammad Tala Abu Johar Sr.; however, a sole proprietor named Mohammad Johar who used the same assumed name held a license at the same location from February 19, 2016 until the license expired for non-renewal on July 31, 2016.

During the application process, the OCCC discovered evidence that J&J Autogroup accepted the cash price of a motor vehicle in one or more deferred installments. An e-Tag report from the Texas Department of Motor Vehicles shows that J&J Autogroup placed liens on 13 vehicles from August 1, 2016 through September 5, 2017. Additionally, the assumed name certificate for J&J

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 348.501; Tex. Fin. Code § 348.001(3), (6), (7), (8).

³ Tex. Fin. Code § 348.001(3), (6), (7), (8).

Autogroup identifies the owner as Mohammad Ahmad Abujohar rather than Mohammad Tala Abu Johar Sr. J&J Autogroup did not respond to multiple requests from the OCCC to provide transaction documents and other information regarding its apparent unlicensed activity and name discrepancy. On February 5, 2018, the OCCC denied J&J Autogroup's license application for failing to provide the requested information.

Authority

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.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 J&J Autogroup is violating Chapter 348 of the Texas Finance Code, and Title 7, Chapter 84 of the Texas Administrative Code by entering motor vehicle retail installment transactions without holding a motor vehicle sales finance license.

Order

IT IS ORDERED that Mohammad Tala Abu Johar Sr. d/b/a J&J Autogroup:

- (1) Comply with the motor vehicle sales finance license requirement, found in Section 348.501 of the Texas Finance Code.
- (2) Regarding finance charges, no later than **July 13, 2018**, identify all motor vehicle retail installment transactions J&J Autogroup entered without a license, and refund the retail buyer any finance charges that it collected or that remain collectible. For accounts with a remaining balance, the refund may be by crediting the buyer's account. For accounts with no remaining balance, the refund must be made by sending the buyer a check.

⁴ Tex. Fin. Code § 14.208(a).

⁵ Tex. Fin. Code § 14.251(b).

- (3) Regarding security interests, no later than **July 13, 2018**, release any lien or other security interest held in a motor vehicle sold by J&J Autogroup in a retail installment transaction entered without a license.
- (4) Regarding restitution provided, no later than **July 20, 2018**, provide the OCCC with a spreadsheet labeled "L18-00130J&JAutogroupRestitution" listing each buyer who received restitution as described above with a row for each retail buyer and the following columns:
- a. name of the retail buyer;
 - b. account number of the retail buyer;
 - c. date of retail installment transaction;
 - d. amount financed;
 - e. amount of finance charge charged to the buyer;
 - f. amount of finance charge refunded to the buyer as described above;
 - g. date of finance charge refund;
 - h. form of the refund (i.e. check for closed account, and credit on open account);
 - i. check number (if refund provided by check);
 - j. total amount of refunds provided;
 - k. date the security interest was placed; and
 - l. date the security interest was released as described above.
- (5) No later than **July 20, 2018**, provide the OCCC with a list of any assignees or transferees to a motor vehicle retail installment transaction that J&J Autogroup entered without a license.
- (6) Maintain complete and accurate records of all items and information required under this Order for the full record retention period.⁶ The OCCC will perform an on-site investigation to confirm that J&J Autogroup refunded all finance charges and released all liens listed in

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

the “L18-00130J&JAutogroupRestitution” spreadsheet. J&J Autogroup must maintain the following to verify proof of refunding:

- a. a copy of each buyer’s refund check or payment history showing an account credit for refunded finance charges;
- b. a copy of the release of lien or other proof of each released security interest;
- c. the spreadsheet labeled “L18-00130J&JAutogroupRestitution” described above.

Violation of Order

You may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.⁷

Right to Request Hearing

J&J Autogroup has the right to request a hearing regarding this Order.⁸ J&J Autogroup’s request must be made in writing and sent to the OCCC not later than 30 days after J&J Autogroup receives this Order. J&J Autogroup must send its request to:

Laurie B. Hobbs
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

If J&J Autogroup requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.⁹ If J&J Autogroup fails to request a hearing by this deadline, this Order is considered final and enforceable.¹⁰

⁷ Tex. Fin. Code § 14.208(c).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on June 11, 2018, a true and correct copy of this Order to Cease and Desist, to Take Affirmative Action, and to Make Restitution has been sent to Mohammad Tala Abu Johar Sr. d/b/a J&J Autogroup by regular mail and certified mail, return receipt requested, at:

Mohammad Tala Abu Johar Sr. CMRR# 91 7108 2133 3938 9958 1280
d/b/a J&J Autogroup
5665 Arapaho Rd #2526
Dallas, Texas 75248

Mohammad Tala Abu Johar Sr. CMRR# 91 7108 2133 3938 9958 1297
d/b/a J&J Autogroup
Attn: Mohammad Abu Johar,
Compliance Officer
11311 Harry Hines Blvd #404 A
Dallas, Texas 75229

_____/s/ Laurie B. Hobbs_____
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