

OCCC CASE NO. L19-00161

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1600057172	§	OFFICE OF CONSUMER
HADA MYRIAM CANTU d/b/a	§	
AUTO'S CANTU	§	CREDIT COMMISSIONER
3344 BLACKLAND RD.	§	
ROYSE CITY, TEXAS 75189	§	STATE OF TEXAS

**AGREED ORDER**

The Office of Consumer Credit Commissioner ("OCCC") issues this Agreed Order against Hada Myriam Cantu d/b/a Auto's Cantu ("Auto's Cantu") based on the violations of law described below.<sup>1</sup>

**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.<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>

The OCCC issued a license to Auto's Cantu on December 22, 2016. Auto's Cantu did not renew its license, and the license was cancelled on August 1, 2017. Auto's Cantu has no current licenses with the OCCC. On January 30, 2018, Auto's Cantu submitted an application for a motor vehicle sales finance license. Hada Myriam Cantu is the compliance officer for Auto's Cantu.

Beginning August 1, 2017, Auto's Cantu engaged in activity requiring a license by entering into 17 motor vehicle retail installment contracts. Auto's Cantu accepted the cash price of motor vehicles in one or more deferred installments without a motor vehicle sales finance license, in violation of Section 348.501 of the Texas Finance Code.

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<sup>1</sup> Tex. Fin. Code §§ 14.208, 14.251.

<sup>2</sup> Tex. Fin. Code § 348.501.

<sup>3</sup> Tex. Fin. Code § 348.001(3), (7), (8).

Auto's Cantu charged and collected a \$14.25 fee on its Buyer's Orders. Auto's Cantu acknowledged that the \$14.25 charge was a defaulted charge within their system and considered the charge to be taxes or another fee. Of these transactions, Auto's Cantu refunded the \$14.25 charge to seventeen of its customers.

## Order & Agreement

By signing below, Auto's Cantu 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 Hada Myriam Cantu d/b/a Auto's Cantu:

1. Cease and desist from any unlicensed activity under Chapter 348 of the Texas Finance Code;
2. No later than **March 4, 2019**, pay an administrative penalty of **Seventeen Hundred Dollars (\$1700.00)** to the Office of Consumer Credit Commissioner;<sup>4</sup>
3. No later than **March 4, 2019**, identify all motor vehicle retail installment transactions that you entered without a license and refund the retail buyer any finance charges that you collected or that remain collectible;
4. No later than **March 4, 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; and
5. Keep a copy of each customer's refund check or payment history showing an account credit until the later of your first examination or the required retention period.<sup>5</sup> During your first examination the OCCC will confirm

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<sup>4</sup> The administrative penalty may be paid by: (1) check made payable to 'Office of Consumer Credit Commissioner' mailed to 2601 N. Lamar Blvd., Austin, Texas 78705, or (2) Visa or MasterCard over the telephone during regular business hours by calling the OCCC legal department at (512) 936-7611.

<sup>5</sup> See 7 Tex. Admin. Code § 84.704(b), (g).

that all refunds listed in the spreadsheet have been made.

Signed this 6th day of February, 2019.

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

**AGREED:**

Hada Myriam Cantu  
d/b/a Auto's Cantu

/s/Hada Myriam Cantu  
Hada Myriam Cantu, Owner  
(signed electronically with permission)

**CERTIFICATE OF SERVICE**

I certify that on February 6, 2019, a true and correct copy of this Agreed Order has been sent to Hada Myriam Cantu d/b/a Auto's Cantu Auto by the following methods:

Hada Myriam Cantu d/b/a Auto's Cantu  
ATTN: Hada Myriam Cantu, Compliance  
Officer  
3344 Blackland Rd.  
Royse City, Texas 75189

- hand-delivery
  - facsimile
  - electronic mail
  - regular mail
  - certified mail, return receipt requested
- # 91 7199 9991 7037 5162 1073

/s/Alexandra L. Gullett  
Alexandra L. Gullett  
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Office of Consumer Credit Commissioner  
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