

OCCC CASE NO. L20-00076

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800061093	§	OFFICE OF CONSUMER
REYNALDO MARTINEZ	§	
d/b/a RAY'S AUTOPLEX	§	CREDIT COMMISSIONER
1243 SOUTH 1ST STREET	§	
ABILENE, TEXAS 79602	§	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 Reynaldo Martinez d/b/a Ray's Autoplex ("Ray's Autoplex"), based on the violations of law described below.¹

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.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

Ray's Autoplex is a motor vehicle sales finance dealer licensed by the OCCC to operate as a holder under Chapter 348 of the Texas Finance Code. Ray's Autoplex operates under master file number 1800061093 at one licensed location, under license number 160030. Ray's Autoplex's compliance officer is Reynaldo Martinez, and its designated contact address is 1243 South 1st Street, Abilene, Texas 79602.

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.⁴ A licensee must give the OCCC free access to the licensee's office and place of business.⁵

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

The OCCC may conduct an examination after advance notice and during normal business hours.⁶ 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.⁷ 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.⁸

On November 7, 2019, after advance notice, the OCCC attempted to examine Ray's Autoplex's licensed location at 1243 South 1st Street, Abilene, Texas 79602. The OCCC was not able to examine the licensed location because no employees of Ray's Autoplex were present at the location, and the building was not open to the public. Other attempts to contact Ray's Autoplex were not returned. By failing to allow the OCCC to examine its licensed location, records, and transactions, Ray's Autoplex 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.⁹

The Commissioner has reasonable cause to believe that Ray's Autoplex 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. Ray's Autoplex must cease and desist failing to allow the OCCC to examine its location, records, and transactions.

⁶ Tex. Fin. Code § 348.514(f).

⁷ Tex. Fin. Code § 348.515.

⁸ 7 Tex. Admin. Code § 84.607(c).

⁹ Tex. Fin. Code § 14.208(a).

2. Ray's Autoplex must allow the OCCC to conduct an investigation of its location, records, and transactions.
3. **No later than February 28, 2020**, Ray's Autoplex must send a letter to the OCCC stating the complete address of any location where Ray's Autoplex may be examined and investigated. The letter must also state the complete address of any location where Ray's Autoplex 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.
4. **No later than February 28, 2020**, Ray's Autoplex must ensure that all contact information for Ray's Autoplex is current and correct in the OCCC's online licensing system.

Violation of Order

Ray's Autoplex may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.¹⁰ A violation of this Order may result in the revocation of Ray's Autoplex's license.¹¹

Right to Request Hearing

Ray's Autoplex has the right to request a hearing regarding this Order.¹² Ray's Autoplex's request must be made in writing and sent to the OCCC not later than 30 days after Ray's Autoplex receives this Order. Ray's Autoplex must send its request to:

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

If Ray's Autoplex requests a hearing, a hearing on this matter will be set

¹⁰ Tex. Fin. Code § 14.208(c).

¹¹ Tex. Fin. Code § 348.508.

¹² Tex. Fin. Code § 14.208(b).

and conducted in accordance with Chapter 2001 of the Texas Government Code.¹³ If Ray's Autoplex fails to request a hearing by this deadline, this Order is considered final and enforceable.¹⁴

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.

Signed this 17th day of January, 2020.

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

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on January 17, 2020, a true and correct copy of this Order to Allow Examination and Investigation has been sent to Reynaldo Martinez d/b/a Ray's Autoplex by the following:

Reynaldo Martinez d/b/a Ray's
Autoplex
Attn: Reynaldo Martinez, Compliance
Officer
1243 South 1st Street
Abilene, TX 79602
raysautoplex@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 83000 0004 3544 12

Reynaldo Martinez d/b/a Ray's
Autoplex
Attn: Reynaldo Martinez, Registered
Agent
2602 S. 20th Street
Abilene, TX 79605
raysautoplex@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9124 8901 9403 8300 0004 3544 29

/s/ Matthew Nance
Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
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