

OCCC CASE NO. L20-00122

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1400000128	§	OFFICE OF CONSUMER
AMERICA DEBT RESOLUTIONS LLC	§	
202 WINDSONG WAY	§	CREDIT COMMISSIONER
ALLEN, TEXAS 75002	§	
	§	STATE OF TEXAS

**ORDER TO FILE TIMELY AND ACCURATE
ANNUAL REPORTS AND REQUIRED DOCUMENTS**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Annual Reports and Required Documents against America Debt Resolutions LLC (“America Debt Resolutions”).¹

Statement of Facts and Law

America Debt Resolutions is a debt management services provider registered with the OCCC under Chapter 394 of the Texas Finance Code. America Debt Resolutions operates under master file number 1400000128 at one location, under registration number 125709. America Debt Resolutions’ compliance officer is Marinela Berry, and its designated contact address is 202 Windsong Way, Allen, Texas 75002.

A debt management services provider must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² Additionally, a debt management services provider must annually file the following required documents with the Commissioner:

- (a) a blank copy of the provider’s written debt management services agreement;³
- (b) blank copies of credit counseling information provided to consumers;⁴
- (c) a surety bond or evidence that the provider maintains an insurance policy;⁵

¹ Tex. Fin. Code § 14.208(a).

² Tex. Fin. Code § 394.205(b); 7 Tex. Admin. Code § 88.202(b).

³ Tex. Fin. Code § 394.205(d); 7 Tex. Admin. Code § 88.202(b)(1).

⁴ Tex. Fin. Code § 394.205(d); 7 Tex. Admin. Code § 88.202(b)(1).

⁵ Tex. Fin. Code § 394.206(a); 7 Tex. Admin. Code § 88.202(c).

- (d) a list of all owners and principal parties, including any change in ownership that occurred during the preceding calendar year;⁶ and
- (e) information regarding its credit counselors, including the number of credit counselors employed at the time the annual report is prepared, and the accreditation organization or program that certifies its counselors.⁷

A provider must comply with all instructions from the Commissioner relating to submitting the report.⁸ The annual report and required documents are due by January 31 of each year.⁹ For 2019 annual reports and required documents, the OCCC extended the filing deadline to February 12, 2020.

America Debt Resolutions did not file its 2019 annual report with the Commissioner on or before February 12, 2020. Further, America Debt Resolutions did not file the required documents described above in items (a) through (e) on or before February 12, 2020.

The Commissioner may issue an injunction ordering a debt management services provider to file one or more complete, accurate, and timely annual reports and required documents if the Commissioner has reasonable cause to believe that the provider is violating Chapter 394 of the Texas Finance Code.¹⁰

The Commissioner has reasonable cause to believe that America Debt Resolutions is violating Chapter 394 of the Texas Finance Code, and therefore issues this Order, because America Debt Resolutions failed to timely file its 2019 annual report and required documents.

⁶ 7 Tex. Admin. Code § 88.202(b)(2).

⁷ 7 Tex. Admin. Code § 88.202(b)(3).

⁸ 7 Tex. Admin. Code § 88.202(a); https://occc.texas.gov/sites/default/files/uploads/industry-reporting/debtmanagement_screenshotguide.pdf

⁹ 7 Tex. Admin. Code § 88.201(c).

¹⁰ Tex. Fin. Code § 14.208(a).

Order

IT IS ORDERED that America Debt Resolutions LLC:

1. comply with, and cease and desist from violating, the reporting and filing requirements set forth in Sections 394.205 and 394.206 of the Texas Finance Code and Title 7, Sections 88.201 and 88.202 of the Texas Administrative Code;
2. file its 2019 annual report and all required documents within 30 days of service of this Order, if it has not already done so;
3. timely file complete and accurate future annual reports and required documents.

Annual reports for debt management services providers must be submitted through the OCCC's Application Licensing Examination Compliance System (ALECS): alecs.occc.texas.gov. Instructions are available on the OCCC's "Debt Management & Settlement Providers" web page located at:

<https://occc.texas.gov/industry/debt-management-settlement-providers>

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 per day.¹¹ Multiple violations may also result in the suspension or revocation of your registration.¹²

¹¹ Tex. Fin. Code § 14.208(c).

¹² Tex. Fin. Code § 394.204(k).

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹³ Your request must be made in writing and sent to the OCCC not later than 30 days after you receive this Order. You must send your request to:

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

If you request a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁴ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹⁵

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 5th day of March, 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(b).

¹⁵ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on March 5, 2020, a true and correct copy of this Order to File Timely and Accurate Annual Reports and Required Documents has been sent to America Debt Resolutions LLC by regular mail and certified mail, return receipt requested, at:

CMRRR #9214 8901 9403 8300 0007 1685 42
America Debt Resolutions LLC
Attn: Marinela Berry, Compliance Officer
202 Windsong Way
Allen, TX 75002

CMRRR #9214 8901 9403 8300 0007 1685 97
America Debt Resolutions LLC
Attn: Marinella Berry, Registered Agent
202 Windsong Way
Allen, TX 75002

/s/Matthew Nance
Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 North Lamar Blvd.
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(512) 936-7660
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matthew.nance@occc.texas.gov