

OCCC CASE NO. L20-00069

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 1600055185	§	OFFICE OF CONSUMER
ORFA TREVINO	§	
D/B/A TREVINO'S AUTO SALES	§	CREDIT COMMISSIONER
AND AUTO REPAIR	§	
241 S. GENERAL MC MULLEN,	§	STATE OF TEXAS
SAN ANTONIO, TX 78237		

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Orfa Trevino d/b/a Trevino's Auto Sales and Auto Repair (“Trevino's Auto Sales”) based on the violations of law described below.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

On July 8, 2016, the OCCC granted Trevino's Auto Sales a motor vehicle sales finance license under master file number 1600055185, license number 155312. That license was cancelled on July 31, 2018. On July 19, 2019 Trevino's Auto Sales submitted a new application for a motor vehicle sales finance license under license number 162722. Trevino's Auto Sales’ compliance officer is Orfa Trevino.

Beginning August 7, 2018, Trevino's Auto Sales engaged in activity requiring a license by entering 14 motor vehicle retail installment contracts. Trevino's Auto Sales 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.

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Tex. Fin. Code § 348.501.

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

Order & Agreement

By signing below, Trevino's Auto Sales 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 Orfa Trevino d/b/a Trevino's Auto Sales and Auto Repair:

1. No later than **December 16, 2019**, pay an administrative penalty of **Fourteen Hundred Dollars (\$1,400.00)** to the Office of Consumer Credit Commissioner.
2. No later than **December 16, 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.
3. No later than **December 16, 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.
4. 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.⁴ During your first examination the OCCC will confirm that all refunds listed in the spreadsheet have been made.

Signed this 14 day of November, 2019.

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

AGREED:

Orfa Trevino d/b/a Trevino's Auto Sales
and Auto Repair

/s/ Orfa Trevino
Orfa Trevino, Owner
(signed electronically with permission)

⁴ See 7 Tex. Admin. Code § 84.704(b), (g).

CERTIFICATE OF SERVICE

I certify that on November 14, 2019, a true and correct copy of this Agreed Order has been sent to Orfa Trevino d/b/a Trevino's Auto Sales and Auto Repair by the following methods:

Orfa Trevino
d/b/a Trevino's Auto Sales and
Auto Repair
Attn: Orfa Trevino,
Compliance Officer
241 S. General Mc Mullen
San Antonio, Texas 78237
orfa.trevino@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
91 7199 9991 7037 4752 2741

Orfa Trevino
d/b/a Trevino's Auto Sales and
Auto Repair
Attn: Orfa Trevino,
Statutory Agent
6322 Buena Vista
San Antonio, Texas 78237
orfa.trevino@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
91 7199 9991 7037 4752 2758

/s/Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
2601 North Lamar Blvd.
Austin, Texas 78705
(512) 936-7659
(512) 936-7610 (fax)
audrey.spalding@occc.texas.gov