

OCCC CASE NO. L20-00096

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 1900064831	§	OFFICE OF CONSUMER
COLT ADVERTISING LLC	§	
D/B/A J & J AUTO SALES	§	CREDIT COMMISSIONER
724 US HWY 62/180 W.,	§	
SEMINOLE, TX 79360	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Colt Advertising LLC d/b/a J & J Auto Sales (“J & J 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

J & J Auto Sales operates at 724 US HWY 62/180 W, Seminole, Texas 79360. J & J Auto Sales’s compliance officer is John Wieler.

On October 4, 2019, J & J Auto Sales submitted a new application under application ID 56773 for a motor vehicle sales finance license under license number 163151. Information provided with the application showed that beginning September 20, 2019, J & J Auto Sales engaged in activity requiring a license by entering 5 motor vehicle retail installment contracts. In these transactions, J & J 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, J & J 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 Colt Advertising LLC d/b/a J & J Auto Sales:

1. No later than **February 21, 2020**, pay an administrative penalty of **Five Hundred Dollars (\$500.00)** to the Office of Consumer Credit Commissioner.
2. No later than **February 21, 2020**, 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 **February 21, 2020**, 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 8 day of January, 2020.

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

AGREED:
Colt Advertising LLC

/s/ John Wieler
John Wieler, Compliance Officer
(signed electronically with permission)

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

CERTIFICATE OF SERVICE

I certify that on January 8, 2020, a true and correct copy of this Agreed Order has been sent to Colt Advertising LLC by the following methods:

Colt Advertising
d/b/a J & J Auto Sales
Attn: John Wieler,
Compliance Officer
724 US Hwy 62/180 W,
Seminole, TX 79360
kleanawiella@gmail.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#91 7199 9991 7037 4753 2857

Colt Advertising
d/b/a J & J Auto Sales
Attn: John Wieler,
Statutory Agent
110 PR 103D,
Seminole, TX 79360

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#91 7199 9991 7037 4753 2840

/s/Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
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