

OCCC CASE NO. L20-00132

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1900064331	§	OFFICE OF CONSUMER
LOBO MOTORS, INC.	§	
d/b/a VISTA AUTOS	§	CREDIT COMMISSIONER
1801 SE 27TH AVENUE	§	
AMARILLO, TEXAS 79103	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Lobo Motors, Inc. d/b/a Vista Autos (“Vista Autos”).¹

Statement of Facts and Law

Vista Autos is a motor vehicle dealer that does not currently hold a license with the OCCC. Vista Autos is located at 1801 SE 27th Avenue, Amarillo, Texas 79103. On January 10, 2020, Vista Autos submitted an application for a motor vehicle sales finance license under application ID 58892. The OCCC has not issued a license to Vista Autos. Vista Autos’ owner is Alfonso Padilla.

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

Beginning April 25, 2019, Vista Autos entered 30 motor vehicle retail installment contracts. At the time of the transactions, Vista Autos did not hold a motor vehicle sales finance license. Vista Autos accepted the cash price of a motor vehicle in one or more deferred installments without holding 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).

By acting as a holder in motor vehicle retail installment transactions without a motor vehicle sales finance license, Vista Autos has violated Chapter 348 of the Texas Finance Code.

Order & Agreement

By signing below, Vista Autos waives all rights to any hearing or appeal, agrees to pay the administrative penalty as identified below, and otherwise agrees to comply with this Order and Texas law.

IT IS ORDERED that Lobo Motors, Inc. d/b/a Vista Autos:

1. no later than **July 10, 2020**, pay the sum of **Three Thousand Dollars (\$3,000.00)** as an administrative penalty to the Office of Consumer Credit Commissioner;
2. for each motor vehicle retail installment transaction, make restitution to the retail buyer of any finance charges collected and waive any finance charges that remain collectible;
3. no later than **July 10, 2020**, provide the OCCC with a list of any assignees or transferees to a retail installment transaction that Vista Autos entered without a license;
4. no later than **July 10, 2020**, provide the OCCC with proof of restitution in the form of copies of checks or ledgers showing account credits, and a corresponding spreadsheet labeled "Unlicensed Activity Restitution" including the following data:
 - a. name of the retail buyer,
 - b. date of loan or retail installment contract,
 - c. amount of finance charge,
 - d. amount of finance charge refunded to the buyer,
 - e. date of refund,
 - f. method of refund (check number or account credit); and
5. maintain complete and accurate records of all items and information

required under this Order for the full record retention period.⁴

Signed this 23 day of June, 2020.

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

AGREED:

Lobo Motors, Inc. d/b/a Vista Autos

/s/Alfonso Padilla

Alfonso Padilla, Owner

(signed electronically with permission)

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

CERTIFICATE OF SERVICE

I certify that on June 23, 2020, a true and correct copy of this Agreed Order has been sent to Lobo Motors, Inc. d/b/a Vista Autos by the following methods:

Lobo Motors, Inc.
d/b/a Vista Autos
Attn: Alfonso Padilla,
Compliance Officer
1801 SE 27th Avenue
Amarillo, TX 79103
vista.autos.sales@gmail.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested #
9214 8901 9403 8300 0014 9248 41

Lobo Motors, Inc.
d/b/a Vista Autos
Attn: Alfonso Padilla,
Registered Agent
2915 S Philadelphia
Amarillo, TX 79103
Ponchito0813@gmail.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested #
9214 8901 9403 8300 0014 9248 58

Wright Law
Attn: Wes Wright
620 S. Taylor, Suite 302
Amarillo, TX 79101
wes@wrightlawtx.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested #
9214 8901 9403 8300 0015 0077 96

/s/Audrey Spalding
Audrey Spalding
Assistant General Counsel
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