

OCCC CASE NO. L21-00016

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 15166	§	OFFICE OF CONSUMER
PORTFOLIO RECOVERY	§	
ASSOCIATES LLC	§	CREDIT COMMISSIONER
130 CORPORATE BLVD.	§	
NORFOLK, VIRGINIA 23502	§	STATE OF TEXAS

ORDER TO FILE TIMELY AND ACCURATE ANNUAL REPORTS

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Annual Reports against Portfolio Recovery Associates LLC (“Portfolio Recovery”).¹

Statement of Facts and Law

Portfolio Recovery is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Portfolio Recovery operates under master file number 15166 at multiple licensed locations, under license numbers 66529, 66530, 66531, 66533, 66534, 154001, 155784, 156873, 158882, 159122, 160364, 163381, and 164870. Portfolio Recovery’s compliance officer is Cara Cotter, and its designated contact address is 130 Corporate Blvd., Norfolk, Virginia 23502.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A regulated lender must comply with all instructions from the OCCC relating to submitting the report.³ The report is due by May 1 of each year for the prior calendar year’s loan activity.⁴ For 2019 annual reports, the OCCC allowed 31 additional days (until June 1, 2020) for regulated lenders to file reports.

Portfolio Recovery did not file its 2019 annual report with the OCCC on or before June 1, 2020.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559.

³ 7 Tex. Admin. Code § 83.835.

⁴ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

The Commissioner may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is violating Chapter 342 of the Texas Finance Code.⁵

The Commissioner has reasonable cause to believe that Portfolio Recovery is violating Chapter 342 of the Texas Finance Code, and therefore issues this Order, because Portfolio Recovery failed to timely file its 2019 annual report.

Order

IT IS ORDERED that Portfolio Recovery Associates LLC:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 342.559 of the Texas Finance Code and Title 7, Section 83.835 of the Texas Administrative Code;
2. file its 2019 annual report within 30 days of service of this Order, if it has not already done so; and
3. timely file complete and accurate future annual reports.

Regulated lender annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): alecs.occ.texas.gov. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occ.texas.gov.

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 per day.⁶ Multiple violations may also result in the suspension or revocation of your license.⁷

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

⁷ Tex. Fin. Code § 342.156.

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁸ To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after service of this Order.⁹ You must send your request to Matthew Nance, Deputy General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to matthew.nance@occc.texas.gov.

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.¹⁰ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹¹

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 at matthew.nance@occc.texas.gov.

Signed this 12th day of October, 2020.

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

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on October 12, 2020, a true and correct copy of this Order to File Timely and Accurate Annual Reports has been sent to Portfolio Recovery Associates LLC by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0020 8056 46

Portfolio Recovery Associates LLC

Attn: Cara Cotter, Compliance Officer

130 Corporate Blvd.

Norfolk, VA 23502

CMRRR # 9214 8901 9403 8300 0020 8056 53

Portfolio Recovery Associates LLC

Attn: Corporation Service Company, Registered Agent

211 E 7th St., Ste. 620

Austin, TX 78701

/s/ Matthew Nance

Matthew J. Nance

Deputy General Counsel

Office of Consumer Credit Commissioner

State Bar No. 24074794

2601 North Lamar Blvd.

Austin, Texas 78705

512-936-7660 (phone)

512-936-7610 (fax)

matthew.nance@occc.texas.gov