

OCCC CASE NO. L20-00193

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 4407	§	OFFICE OF CONSUMER
MARTHA & DANNY SIDES D/B/A	§	
SIDES AUTO CENTER	§	CREDIT COMMISSIONER
8855 W. FWY, STE 207	§	
FORT WORTH, TEXAS 76116	§	STATE OF TEXAS

ORDER OF REVOCATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order of Revocation against Martha & Danny Sides d/b/a Sides Auto Center (“Sides Auto Center”), based on the violations of law described below.¹

Statement of Facts and Law

Under Chapter 348 of the Texas Finance Code, a person must hold a motor vehicle sales finance license in order 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 A person who does not hold a Chapter 348 license (or another authorization to act as a holder) may not collect payments on motor vehicle retail installment contracts, and may not indirectly collect payments by repossessing motor vehicles or selling repossessed motor vehicles.⁴

Sides Auto Center is a motor vehicle sales finance dealer licensed by the OCCC to operate as a holder under Chapter 348 of the Texas Finance Code. Sides Auto Center operates under master file number 4407 at one licensed location, under license number 35798. Sides Auto Center compliance officer is Martha Sides, and its designated contact address is 8855 W. Fwy., Ste. 207, Fort Worth, Texas 76116.

¹ Tex. Fin. Code §§ 14.208, 348.508.

² Tex. Fin. Code § 348.501.

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

⁴ See Tex. Fin. Code §§ 348.001(3), (7), (8), 348.501.

Under Chapter 348 of the Texas Finance Code, at times the OCCC considers necessary, the OCCC will examine each place of business of each licensee, and will investigate the licensee's transactions and records.⁵ A licensee must give the OCCC free access to the licensee's office and place of business.⁶ The OCCC may conduct an examination after advance notice and during normal business hours.⁷ If the OCCC has reasonable cause to believe that a person is violating Chapter 348, then the OCCC may conduct an investigation to discover a violation or obtain required information.⁸ Under Chapter 348's implementing rules, a licensee is responsible for ensuring that all contact information on file with the OCCC is current and correct.⁹

On March 13, 2020, after advance notice, the OCCC attempted to examine Sides Auto Center's licensed location at 8855 W. Fwy., Ste. 207, Fort Worth, Texas 76116. The OCCC was not able to examine the licensed location because no employees of Sides Auto Center were present at the location. Prior attempts to contact Sides Auto Center were not answered or returned. By failing to allow the OCCC to examine its licensed location, records, and transactions, Sides Auto Center violated Chapter 348 of the Texas Finance Code.

On May 28, 2020, the OCCC issued an Order to Allow Examination and Investigation against Sides Auto Center. The Order required Sides Auto Center to cease and desist failing to allow the OCCC to examine its location, records, and transactions. The Order also required Sides Auto Center, no later than July 10, 2020, to send a letter to the OCCC stating the complete address of any location where Sides Auto Center may be examined, and the complete address of any location where Sides Auto Center conducts business, keeps records of transactions, or receives payments from retail buyers. Sides Auto Center did not respond and did not provide the information required by the Order

Authority

If the Consumer Credit Commissioner ("Commissioner") has reasonable cause to believe that a person is violating Chapter 348 of the Texas Finance Code,

⁵ Tex. Fin. Code § 348.514(a).

⁶ Tex. Fin. Code § 348.514(b).

⁷ Tex. Fin. Code § 348.514(f).

⁸ Tex. Fin. Code § 348.515.

⁹ 7 Tex. Admin. Code § 84.607(c).

the Commissioner may issue an order to cease and desist from the violation, an order to take affirmative action, or both to enforce compliance.¹⁰

The Commissioner may revoke a motor vehicle sales finance license if the Commissioner finds that the license holder knowingly or without the exercise of due care violated Chapter 348 of the Texas Finance Code, Chapter 348's implementing rules, or an order issued under Chapter 348.¹¹ The Commissioner may also revoke a license if a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the Commissioner's denial of the application.¹²

By failing to allow the OCCC to examine its licensed location, records, and transactions, Sides Auto Center violated Chapter 348 of the Texas Finance Code. Sides Auto Center violated the Order to Allow Examination and Investigation that the OCCC issued in May 2020. Sides Auto Center committed these violations knowingly or without exercise of due care. These violations would have justified denial of Sides Auto Center's original license application, if these violations had existed or been known to exist at the time of the license application. For these reasons, the Commissioner issues this Order of Revocation.

Order

IT IS ORDERED that:

1. The motor vehicle sales finance license of Martha & Danny Sides d/b/a Sides Auto Center, license number 4407-35798, is REVOKED.
2. Sides Auto Center must cease and desist entering new motor vehicle retail installment transactions.
3. Sides Auto Center must cease and desist collecting any payments on motor vehicle retail installment transactions. Sides Auto Center must cease and desist repossessing motor vehicles, and must cease and desist selling any motor vehicles that it has repossessed.

¹⁰ Tex. Fin. Code § 14.208(a).

¹¹ Tex. Fin. Code § 348.508(2).

¹² Tex. Fin. Code § 348.508(3).

4. **No later than 30 days after the date of this Order**, Sides Auto Center must perform a self-review and identify each outstanding motor vehicle retail installment transaction, including each sale of a motor vehicle for which Sides Auto Center is accepting payments, holds a lien, or has repossessed a motor vehicle that it has not sold.
5. **No later than 30 days after the date of this Order**, for each outstanding motor vehicle retail installment transaction, Sides Auto Center must do one of the following:
 - a. assign the transaction to another person who holds a license under Chapter 348 or is otherwise authorized to hold retail installment contracts under Chapter 348; or
 - b. cease collecting any payments and return any unsold repossessed vehicle to the retail buyer.
6. **No later than 40 days after the date of this Order**, Sides Auto Center must create a spreadsheet labeled "L20-00193SidesAutoCenter." The spreadsheet must list each transaction that Sides Auto Center assigned to another person, and each transaction for which Sides Auto Center ceased collecting payments. The spreadsheet must include a row for each consumer and the following columns:
 - a. account number;
 - b. name of the retail buyer;
 - c. date of retail installment transaction; and
 - d. name of any person that Sides Auto Center assigned the transaction to, if applicable.
7. **No later than 40 days after the date of this Order**, Sides Auto Center must provide the OCCC with a copy of the spreadsheet. The spreadsheet must be sent by e-mail to Audrey Spalding at audrey.spalding@occc.texas.gov.

Right to Request Hearing

Sides Auto Center has the right to request a hearing regarding this Order.¹³ Sides Auto Center's request must be made in writing and sent to the OCCC not later than 30 days after the date of this Order. Sides Auto Center must send its request to:

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

If Sides Auto Center requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁴ If Sides Auto Center fails 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 Audrey Spalding, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7659, or by email to audrey.spalding@occc.texas.gov.

Signed this 29th day of October, 2020.

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

¹³ Tex. Fin. Code §§ 14.208(b), 348.508.

¹⁴ Tex. Fin. Code §§ 14.208(b), 348.508.

¹⁵ Tex. Fin. Code §§ 14.208(c), 348.508.

CERTIFICATE OF SERVICE

I certify that on October 29, 2020, a true and correct copy of this Order of Revocation has been sent to Martha & Danny Sides d/b/a Sides Auto Center by the following:

Martha & Danny Sides
d/b/a Sides Auto Center
Attn: Compliance Officer
8855 W. Fwy., Ste. 207
Fort Worth, TX 76116
DNMSIDES@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0023 9514 56

Martha & Danny Sides
d/b/a Sides Auto Center
Attn: Statutory Agent
3801 E. Lancaster Ave.
Fort Worth, TX 76103

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
9214 8901 9403 8300 0023 9514 63

/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 (phone)
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audrey.spalding@occc.texas.gov