

OCCC CASE NO. L21-00044

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1700058738	§	OFFICE OF CONSUMER
EMPIRE MOTOR CARS INC.	§	
d/b/a EMPIRE RV & MARINE	§	CREDIT COMMISSIONER
2801 N. MAIN ST.	§	
LIBERTY, TEXAS 77575	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Empire Motor Cars Inc. d/b/a Empire RV & Marine (“Empire RV & Marine”).¹

Statement of Facts and Law

Empire RV & Marine is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Empire RV & Marine operates under master file number 1700058738 at one licensed location, under license number 159058. Empire RV & Marine’s compliance officer is Ali Zolfaghari, and its designated contact address is 2801 N. Main St., Liberty, Texas 77575.

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.

¹ Tex. Fin. Code § 14.208(a), (c).

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.

On August 21, 2019, the OCCC issued an Order to File Timely and Accurate Annual Reports against Empire RV & Marine for failing to timely file its 2018 annual report. Empire RV & Marine did not request a hearing on the Order, and the Order became final and enforceable. The Order required Empire RV & Marine to timely file complete and accurate future reports.

Empire RV & Marine did not file its 2019 annual report with the Commissioner on or before June 1, 2020.

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 may impose an administrative penalty on a regulated lender that violates an injunction.⁶

By failing to timely file its 2019 annual report, Empire RV & Marine has violated Chapter 342 of the Texas Finance Code and the OCCC's Order to File Timely and Accurate Annual Reports.

Order

IT IS ORDERED that Empire Motor Cars Inc. d/b/a Empire RV & Marine:

1. pay an administrative penalty in the amount of **\$500.00**, calculated as \$500.00 each for Empire RV & Marine's one licensed location, within 30 days of service of this Order; and
2. file its 2019 annual report within 30 days of service of this Order, if it has not already done so.

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.

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order. To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after service of this Order. 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. If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.

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

CERTIFICATE OF SERVICE

I certify that on October 12, 2020, a true and correct copy of this Order Imposing Administrative Penalty has been sent to Empire Motor Cars Inc. d/b/a Empire RV & Marine by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0020 8061 86
Empire Motor Cars Inc.
Attn: Ali Zolfaghari, Compliance Officer
2801 N. Main St.
Liberty, TX 77575

CMRRR # 9214 8901 9403 8300 0020 8061 86
Empire Motor Cars Inc.
Attn: Ali John Zolfaghari, Registered Agent
2801 N. Main St.
Liberty, TX 77575

/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