

OCCC CASE NO. L21-00090

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NUMBER: 1400050029	§	OFFICE OF CONSUMER
1AND2 AUTOMOTIVE, LLC	§	
11311 REEDER ROAD, BLDG. A	§	CREDIT COMMISSIONER
DALLAS, TEXAS 75229	§	
	§	STATE OF TEXAS

ORDER TO FURNISH INFORMATION

The Office of the Consumer Credit Commissioner (“OCCC”) issues this Order to Furnish Information against 1and2 Automotive, LLC (“1and2”), based on the violations of law described below.¹

Statement of Facts and Law

1and2 holds a motor vehicle sales finance license with the OCCC under Chapter 348 of the Texas Finance Code. 1and2 is licensed under master file number 1400050029 to do business at two locations. Under license number 150502 (issued on August 1, 2014) 1and2 is licensed to do business at 11311 Reeder Road, Bldg. A, in Dallas, Texas. Under license number 157796 (issued on April 26, 2017) 1and2 is licensed to do business at 10501 Harry Hines Blvd., in Dallas Texas. Its registered agent is CSC-Lawyers Incorporating Svcs. Its compliance officer, statutory agent, and sole member is David Kost.

On receipt of a written complaint or other reasonable cause to believe that a person is violating a statute, the commissioner may:

- (1) require the person to furnish information regarding a specific loan, retail transaction, or business practice to which the violation relates; and
- (2) conduct an investigation to determine whether a violation exists.²

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 14.202; Tex. Fin. Code § 14.201 (stating that the OCCC has investigative and enforcement authority under Chapter 14 with respect to violations of Subtitles B and C of Title 4 of the Texas Finance Code); Tex. Fin. Code Ch. 348 (located within Subtitle B of Title 4, and therefore subject to Chapter 14).

Since 2015, the OCCC has received 35 complaints against 1and2, and has reasonable cause to believe that it is violating Texas law.

On September 24, 2020, the OCCC requested copies of retail installment contracts and related records from 1and2 by certified mail and email. The certified mail was delivered and signed for. 1and2 has failed to produce the requested records.

The requested records are required to be kept by 1and2, and made available to the OCCC upon request.³ 1and2 affirmed that its records will be held at 11311 Reeder Road in Dallas, Texas. 1and2 is required by law to keep its contact information current and correct.⁴ As described below, 1and2 is not conducting business at 11311 Reeder Road. The OCCC was unable to gain access to 1and2's records at 11311 Reeder Road.

The OCCC visited 1and2's licensed location at 11311 Reeder Road, but found that 1and2 was not conducting business at that location. On September 28, 2020, Auto Bueno, LLC d/b/a The Auto Cave (Master File No. 2000067874) filed an application for a motor vehicle sales finance license with the OCCC to operate at 11311 Reeder Road.

The OCCC also visited 1and2's licensed location at 10501 Harry Hines Blvd., but found that 1and2 was not conducting business at that location. Instead, Drive Casa, LLC was operating at that location. On August 14, 2020, Drive Casa, LLC (Master File No. 1500053531) filed a registered office with the OCCC to operate at 10507 Harry Hines Blvd., which is very close to (and possibly indistinguishable from) 1and2's licensed location (i.e. 10501 Harry Hines Blvd.).

Therefore, 1and2 is not operating at its licensed locations, may have not kept its contact information current and correct, and has not produced the records required to be maintained and produced to the OCCC upon request. Accordingly, the OCCC may issue this order requiring 1and2 to update its contact information and produce the requested items and information.

³ Tex. Fin. Code §§ 348.514, 348.517; Tex. Admin. Code §§ 84.707, 84.708.

⁴ 7 Tex. Admin. Code §§ 84.607(c).

Order

IT IS ORDERED that 1and2 Automotive, LLC:

1. Comply with, and cease and desist from violating, its duty to keep and produce records as described in Sections 14.202, 348.514, and 348.517 of the Texas Finance Code, and Title 7, Sections 84.707 and 84.708 of the Texas Administrative Code;
2. Comply with its duty to keep all contact information on file with the OCCC current and correct, as required by Title 7, Sections 84.607(c) of the Texas Administrative Code; and
3. No later than November 18, 2020, provide the OCCC with:
 - a. the items and information identified in the request sent to 1and2 on September 27, 2020; and
 - b. a spreadsheet in Microsoft Excel format identifying each retail installment contract assigned to another person or entity by 1and2 Automotive, LLC since January 1, 2020, including the following fields:
 - i. Assignee Name
 - ii. Assignee Address
 - iii. Assignee Phone Number
 - iv. Buyer Name
 - v. Buyer Address
 - vi. Buyer Phone Number
 - vii. Date of Contract
 - viii. Stock Numer, Year, Make, Model, and Vehicle Identification Number of Vehicle
 - ix. Cash Price of Vehicle
 - x. Current Amount Owed on Contract

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 per day,⁵ and may also revoke your license.⁶

Right to Request Hearing

1and2 has the right to request a hearing regarding this Order.⁷ 1and2's request must be made in writing and sent to the OCCC not later than 30 days after 1and2 receives this Order. 1and2 must send its request to:

Michael Rigby
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

If 1and2 requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.⁸ If 1and2 fails to request a hearing by this deadline, this Order is considered final and enforceable.⁹

All communications with the OCCC concerning this matter must be through Michael Rigby, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7623, or by email to michael.rigby@occc.texas.gov.

Signed this 15th day of October, 2020.

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

⁵ Tex. Fin. Code § 14.208(c).

⁶ Tex. Fin. Code § 348.508.

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on October 15, 2020, a true and correct copy of this Order to Furnish Information has been sent to 1and2 Automotive, LLC by the following methods:

1and2 Automotive, LLC
Attn: David Kost, Compliance Officer
and Statutory Agent
11311 Reeder Road, Bldg. A
Dallas, Texas 75229
dkost@1and2automotive.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0022 8652 11

1and2 Automotive, LLC
Attn: c/o CSC-Lawyers Incorporating
Svcs, Registered Agent
211 E. 7th Street Suite 620
Austin, Texas 78701

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0022 8652 28

/s/ Michael Rigby
Michael Rigby
General Counsel
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