

OCCC CASE NO. L21-00185

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.:1400051538	§	OFFICE OF CONSUMER
PERSONAL ENERGY	§	
FINANCE, INC.	§	CREDIT COMMISSIONER
16409 WEST BERNARDO DRIVE,	§	
SUITE 300	§	STATE OF TEXAS
SAN DIEGO, CALIFORNIA 92127		

**ORDER IMPOSING ADMINISTRATIVE PENALTY**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Personal Energy Finance, Inc. (“Personal Energy Finance”).<sup>1</sup>

**Statement of Facts and Law**

Personal Energy Finance is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Personal Energy Finance operates under master file number 1400051538 at multiple licensed locations, under license numbers 154834, 158969, and 161964. Personal Energy Finance’s compliance officer is Michael Mildenberger, and its designated contact address is 16409 West Bernardo Drive, Suite 300, San Diego, California, 92127.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> A regulated lender must comply with all instructions from the OCCC relating to submitting the report.<sup>3</sup> The report is due by May 1 of each year for the prior calendar year’s loan activity.<sup>4</sup>

On May 19, 2017, the OCCC issued an Injunctive Order to File Timely and Accurate Annual Reports against Personal Energy Finance for failing to timely file its 2016 annual report. The Order became final and enforceable. The Order required Personal Energy Finance to timely file complete and accurate future reports.

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<sup>1</sup> Tex. Fin. Code § 14.208(a), (c).

<sup>2</sup> Tex. Fin. Code § 342.559.

<sup>3</sup> 7 Tex. Admin. Code § 83.835.

<sup>4</sup> Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

Personal Energy Finance did not file its 2020 annual report with the Commissioner on or before May 1, 2021.

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.<sup>5</sup> The Commissioner may impose an administrative penalty on a regulated lender that violates an injunction.<sup>6</sup>

By failing to timely file its 2020 annual report, Personal Energy Finance has violated Chapter 342 of the Texas Finance Code and the OCCC's Injunctive Order to File Timely and Accurate Annual Reports.

## **Order**

IT IS ORDERED that Personal Energy Finance, Inc.:

1. pay an administrative penalty in the amount of **\$1,500.00**, calculated as \$500.00 each for Personal Energy Finance's three licensed locations, within 30 days of service of this Order; and
2. file its 2020 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](http://alecs.occ.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occ.texas.gov](http://occ.texas.gov).

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<sup>5</sup> Tex. Fin. Code § 14.208.

<sup>6</sup> Tex. Fin. Code § 14.208(c).

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>7</sup> To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after service of this Order.<sup>8</sup> You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@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.<sup>9</sup> If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.<sup>10</sup>

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](mailto:audrey.spalding@occc.texas.gov).

Signed this 13th day of September, 2021.

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

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<sup>7</sup> Tex. Fin. Code § 14.208(b).

<sup>8</sup> Tex. Fin. Code § 14.208(b).

<sup>9</sup> Tex. Fin. Code § 14.208(b).

<sup>10</sup> Tex. Fin. Code § 14.208(c).

## CERTIFICATE OF SERVICE

I certify that on September 13, 2021, a true and correct copy of this Order Imposing Administrative Penalty has been sent to Personal Energy Finance, Inc. by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0046 8626 23

Personal Energy Finance, Inc.

Attn: Michael Mildenerger, Compliance Officer

16409 West Bernardo Drive, Suite 300

San Diego, CA 92127

CMRRR # 9214 8901 9403 8300 0046 8626 30

Personal Energy Finance, Inc.

Attn: CT Corporation System, Registered Agent

1999 Bryan Street Suite 900

Dallas, TX 75201

/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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