

OCCC CASE NO. L22-00053

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 16381	§	OFFICE OF CONSUMER
ACSO OF TEXAS LP	§	
d/b/a ADVANCE AMERICA	§	CREDIT COMMISSIONER
135 N. CHURCH ST.	§	
SPARTANBURG, SC 29306	§	STATE OF TEXAS

**AGREED ORDER**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against ACSO of Texas LP d/b/a Advance America (“Advance America”), based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

Advance America is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. Advance America operates under master file number 16381 at multiple licensed locations throughout Texas. Advance America’s compliance officer is Melissa Hewlett, and its designated contact address is 135 N. Church St., Spartanburg, South Carolina 29306.

Under Chapter 393 of the Texas Finance Code, a credit services organization must obtain a license for each location at which the organization operates as a credit access business.<sup>2</sup> A credit access business is a credit services organization that obtains for a consumer, or assists a consumer in obtaining, a payday or title loan.<sup>3</sup>

Advance America previously held the following credit access business licenses:

- License No. 60302, located at 3604 W. Loop St., Suite G, El Campo, TX 77437
- License No. 60351, located at 410 Frankford Ave., Suite A, Lubbock, TX 79416
- License No. 60353, located at 2306 Hwy. 36 S., Sealy, TX 77474
- License No. 60389, located at 9281 S. Main St., Houston, TX 77025
- License No. 60391, located at 6703 Bandera Rd., San Antonio, TX 78238

<sup>1</sup> Tex. Fin. Code §§ 14.208, 14.251.

<sup>2</sup> Tex. Fin. Code § 393.603.

<sup>3</sup> Tex. Fin. Code § 393.601(2), (3), (5).

- License No. 60491, located at 5656 Weber Rd., Suite 102, Corpus Christi, TX 78411
- License No. 60515, located at 807 N. Valley Mills Dr., Waco, TX 76710

These seven licenses expired on December 31, 2021, because Advance America did not renew the licenses by December 31.<sup>4</sup>

In February 2022, Advance America applied for new credit access business licenses at these seven locations. Advance America provided documentation showing that between January 1, 2022 and the present, Advance America conducted business and entered credit access business transactions at the locations without a license. According to Advance America, Advance America hired a third-party company to renew its credit access business licenses, and the third-party company failed to renew the licenses for these locations.

In order to approve Advance America's license applications, the Consumer Credit Commissioner must find that the financial responsibility, experience, character, and general fitness of Advance America are sufficient to command the confidence of the public, and warrant the belief that the business will be operated lawfully and fairly.<sup>5</sup>

By operating as a credit access business at unlicensed locations, Advance America violated Chapter 393 of the Texas Finance Code. This Order addresses the unlicensed activity at the seven locations listed above.

### **Order & Agreement**

By signing below, Advance America acknowledges these violations, waives all rights to any hearing or appeal, agrees to pay the administrative penalty identified below, and otherwise agrees to comply with this Order and Texas Law.

IT IS ORDERED that ACSO of Texas LP d/b/a Advance America:

1. **no later than May 15, 2022**, pay an administrative penalty in the amount of \$70,000.00 to the OCCC (calculated as \$10,000.00 for each location where Advance America operated as a credit access business without a license); and

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<sup>4</sup> Tex. Fin. Code § 393.6085; 7 Tex. Admin. Code § 83.4002(d).

<sup>5</sup> Tex. Fin. Code § 393.607.

2. comply with, and cease and desist from violating, the credit access business licensing requirement in Section 393.603 of the Texas Finance Code.

### **Violation of Order**

If Advance America violates this Order, this may result in one or more of the following actions by the OCCC: (1) an administrative penalty of up to \$1,000 for each day of violation of this Order, (2) an order to refund credit access business fees contracted for, charged, or received at unlicensed locations, or (3) suspension or revocation of Advance America's credit access business licenses.<sup>6</sup> If Advance America conducted unlicensed activity before the date of this Order at locations other than the seven locations listed above, then the OCCC may order Advance America to refund credit access business fees that were contracted for, charged, or received at unlicensed locations.<sup>7</sup>

Signed this 4th day of May, 2022.

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

### **AGREED:**

/s/ Dena Laws Roth  
Dena Laws Roth  
Chief Legal Officer  
ACSO of Texas LP d/b/a Advance America  
(*signed electronically with permission*)

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<sup>6</sup> Tex. Fin. Code §§ 14.208, 14.251(b), 393.614.

<sup>7</sup> Tex. Fin. Code § 14.251(b).

## CERTIFICATE OF SERVICE

I certify that on May 4, 2022, a true and correct copy of this Agreed Order has been sent to ACSO of Texas LP d/b/a Advance America by the following:

Jeff Newman, Deputy General Counsel Purpose Financial Inc. 135 N. Church St. Spartanburg, SC 29306 jwnewman@teampurpose.com Attorney for ACSO of Texas LP	<input checked="" type="checkbox"/>	email
	<input type="checkbox"/>	eFileTexas.gov electronic service
	<input type="checkbox"/>	regular mail
	<input type="checkbox"/>	certified mail, return receipt requested

ACSO of Texas LP Attn: Melissa Hewlett, Compliance Officer 135 N. Church St. Spartanburg, SC 29306 mhewlett@teampurpose.com	<input checked="" type="checkbox"/>	email
	<input type="checkbox"/>	eFileTexas.gov electronic service
	<input type="checkbox"/>	regular mail
	<input type="checkbox"/>	certified mail, return receipt requested

ACSO of Texas LP Attn: Corporation Service Company, Registered Agent 211 East 7th Street Ste. 620 Austin, TX 78701 sop@cscglobal.com	<input checked="" type="checkbox"/>	email
	<input type="checkbox"/>	eFileTexas.gov electronic service
	<input type="checkbox"/>	regular mail
	<input type="checkbox"/>	certified mail, return receipt requested

        /s/ Matthew Nance    
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