

OCCC CASE NO. L21-00162

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1600055938	§	OFFICE OF CONSUMER
SAI WEST HOUSTON B LLC	§	
d/b/a BMW OF WEST HOUSTON	§	CREDIT COMMISSIONER
20822 KATY FREEWAY	§	
KATY, TEXAS 77449	§	STATE OF TEXAS

**AGREED ORDER**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against SAI West Houston B LLC d/b/a BMW of West Houston (“BMW of West Houston”) based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

BMW of West Houston is a motor vehicle dealer that holds a motor vehicle sales finance license issued by the OCCC under Chapter 348 of the Texas Finance Code. BMW of West Houston operates under master file 1600055938 at one licensed location, under license number 156075. BMW of West Houston’s compliance officer is Sara Maya, and its designated contact address is 20822 Katy Freeway, Katy, Texas 77449.

Before charging a documentary fee over \$150, a retail seller must provide a notification and cost analysis to the OCCC.<sup>2</sup> The notification must be on a form prescribed by the OCCC, and must state the maximum documentary fee that the seller intends to charge.<sup>3</sup> The cost analysis must include supporting exhibits showing that the amount of the documentary fee is reasonable.<sup>4</sup> In the event of a transfer of ownership, a transferee intending to charge a documentary fee over \$150 must provide a notification no later than the 30th day after the transfer of ownership.<sup>5</sup>

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

<sup>2</sup> Tex. Fin. Code § 348.006(e)-(f); 7 Tex. Admin. Code § 84.205(b)(2).

<sup>3</sup> 7 Tex. Admin. Code § 84.205(c)(1), (3).

<sup>4</sup> 7 Tex. Admin. Code § 84.205(d)(1), (3).

<sup>5</sup> 7 Tex. Admin. Code § 84.205(c)(4).

BMW of West Houston's motor vehicle sales finance license was previously held by Sonic Momentum B, LP ("Sonic Momentum"). In January 2015, based on a cost analysis and supporting materials, the OCCC determined that the maximum reasonable documentary fee for Sonic Momentum was \$157.25. On July 8, 2016, Sonic Momentum's license was transferred to BMW of West Houston. After the transfer of ownership, BMW of West Houston charged a \$157.25 documentary fee in motor vehicle retail installment transactions. BMW of West Houston did not provide a documentary fee notification to the OCCC within 30 days of the transfer of ownership. The OCCC did not receive a complete documentary fee notification from BMW of West Houston until September 16, 2021.

By charging a documentary fee over \$150 without providing a timely written notification to the OCCC, BMW of West Houston violated Chapter 348 of the Texas Finance Code and its implementing rules.

### **Order & Agreement**

By signing below, BMW of West Houston 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 SAI West Houston B LLC d/b/a BMW of West Houston:

1. **no later than October 15, 2021**, pay an administrative penalty of **\$1,500.00** to the OCCC;
2. comply with, and cease and desist from violating, the documentary fee notification requirements set forth in Section 348.006 of the Texas Finance Code and Title 7, Section 84.205 of the Texas Administrative Code; and
3. timely file any future documentary fee notifications.

Signed this 4<sup>th</sup> day of October, 2021.

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

**AGREED:**

/s/ Stephen K. Coss  
Stephen Coss  
Secretary  
SAI West Houston B LLC d/b/a BMW of West Houston  
(signed electronically with permission)

**CERTIFICATE OF SERVICE**

I certify that on October 4, 2021, a true and correct copy of this Agreed Order has been sent to SAI West Houston B LLC d/b/a BMW of West Houston by the following:

Andrew Sharenson  
Johnson DeLuca Kurisky & Gould, P.C.  
1221 Lamar Street, Suite 1000  
Houston, TX 77010  
(p) 713-652-2525  
asharenson@jdkglaw.com

*Attorney for SAI West Houston B LLC  
d/b/a BMW of West Houston*

- hand delivery
- fax
- email
- regular mail
- certified mail, return receipt requested

SAI West Houston B LLC  
d/b/a BMW of West Houston  
Attn: Sara Maya, Compliance Officer  
20822 Katy Freeway  
Katy, TX 77449  
sara.maya@bmwwest.com

- hand delivery
- fax
- email
- regular mail
- certified mail, return receipt requested

SAI West Houston B LLC  
d/b/a BMW of West Houston  
Attn: Maria Moncada Aluoi, Registered Agent  
26119 Kingsgate Lane  
Katy, TX 77484  
sara.maya@bmwwest.com

- hand delivery
- fax
- email
- regular mail
- certified mail, return receipt requested

/s/ Matthew Nance  
Matthew J. Nance  
Deputy General Counsel  
Office of Consumer Credit Commissioner  
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