

OCCC CASE NO. L19-00381

IN THE MATTER OF:	§	BEFORE THE
	§	
	§	OFFICE OF CONSUMER
MASTER FILE NO.: 1600054752	§	
F & S FINANCE COMPANY (INC.)	§	CREDIT COMMISSIONER
511 N. FREDONIA ST.	§	
LONGVIEW, TEXAS 75601	§	STATE OF TEXAS

**AMENDED ORDER TO FILE
TIMELY AND ACCURATE ANNUAL REPORTS**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Amended Order to File Timely and Accurate Annual Reports against F & S Finance Company (Inc.) (“F&S Finance”).¹

Statement of Facts and Law

F&S Finance is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. F&S Finance operates under master file number 1600054752 at one licensed location, under license number 154689. F&S Finance’s compliance officer is Oliver Timberlake, and its designated contact address is 511 N. Fredonia St., Longview, Texas 75601.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A regulated lender must file the required annual report by May 1 for the prior year’s calendar loan activity on forms prescribed by the Commissioner and must comply with all instructions relating to submitting the report.³

F&S Finance did not file its 2018 annual report with the Commissioner by May 1, 2019.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559.

³ 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports.

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.⁴

The Commissioner has reasonable cause to believe that F&S Finance is violating Chapter 342 of the Texas Finance Code, and therefore issues this Order, because F&S Finance failed to timely file its 2018 annual report.

On August 21, 2019, the OCCC issued an Order to File Timely and Accurate Annual Reports against F&S Finance. The August 21 Order was addressed to F&S Finance's previous contact address. This Amended Order is being issued to the current contact address on file for F&S Finance.

Order

IT IS ORDERED that:

1. F & S Finance Company (Inc.) must comply with, and cease and desist from violating, the reporting requirements set forth in Section 342.559 of the Texas Finance Code and Title 7, Section 83.835 of the Texas Administrative Code.
2. F & S Finance Company (Inc.) must file its 2018 annual report within 30 days of service of this Order, if it has not already done so.
3. F & S Finance Company (Inc.) must timely file complete and accurate future annual reports.
4. The Order to File Timely and Accurate Annual Reports, issued by the OCCC against F & S Finance Company (Inc.) on August 21, 2019, is withdrawn and replaced by this Amended Order to File Timely and Accurate Annual Reports.

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.

⁴ Tex. Fin. Code § 14.208.

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 per day.⁵ Multiple violations may also result in the suspension or revocation of your license.⁶

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ Your request must be made in writing and sent to the OCCC not later than 30 days after you receive this Order. You must send your request to:

Matthew Nance
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

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.⁸ If you fail 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 Matthew Nance, Deputy General Counsel. You may contact him by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7660, or by email to matthew.nance@occc.texas.gov.

Signed this 4th day of September, 2019.

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

⁵ Tex. Fin. Code § 14.208(c).

⁶ Tex. Fin. Code § 342.156.

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 the 4th day of September, 2019, a true and correct copy of this Amended Order to File Timely and Accurate Annual Reports has been sent to F & S Finance Company (Inc.) by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 5193 4234
F & S Finance Company (Inc.)
Attn: Oliver Timberlake, Compliance Officer
511 N. Fredonia St.
Longview, TX 75601

CMRRR# 91 7199 9991 7037 5193 4241
F & S Finance Company (Inc.)
Attn: Oliver Timberlake, Registered Agent
230 East Dodd St.
Longview, TX 75603

/s/ Matthew Nance
Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
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