

OCCC CASE NO. L19-00404

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 10568	§	OFFICE OF CONSUMER
HUMBERTO VANEGAS	§	
d/b/a ANAMOROS AUTO SALES	§	CREDIT COMMISSIONER
2304 E. MAIN STE. B	§	
GRAND PRAIRIE, TEXAS 75051	§	STATE OF TEXAS

ORDER TO ALLOW EXAMINATION AND INVESTIGATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Allow Examination and Investigation against Humberto Vanegas d/b/a Anamoros Auto Sales (“Anamoros Auto Sales”), based on the violations of law described below.¹

Statement of Facts and Law

Under Chapter 348 of the Texas Finance Code, a person must hold a motor vehicle sales finance license in order to act as a holder of a motor vehicle retail installment contract.² A holder is a person who operates as a retail seller or holds and collects on a contract in which the person agrees to accept the cash price of a motor vehicle in one or more deferred installments.³

Anamoros Auto Sales is a motor vehicle sales finance dealer licensed by the OCCC to operate as a holder under Chapter 348 of the Texas Finance Code. Anamoros Auto Sales operates under master file number 10568 at one licensed location, under license number 46958. Anamoros Auto Sales’ compliance officer is Humberto Vanegas, and its designated contact address is 2304 E. Main Ste. B, Grand Prairie, Texas 75050.

Under Chapter 348 of the Texas Finance Code, at times the OCCC considers necessary, the OCCC will examine each place of business of each licensee, and will investigate the licensee’s transactions and records.⁴ A licensee

¹ Tex. Fin. Code § 14.208.
² Tex. Fin. Code § 348.501.
³ Tex. Fin. Code § 348.001(3), (7), (8).
⁴ Tex. Fin. Code § 348.514(a).

must give the OCCC free access to the licensee's office and place of business.⁵ The OCCC may conduct an examination after advance notice and during normal business hours.⁶ If the OCCC has reasonable cause to believe that a person is violating Chapter 348, then the OCCC may conduct an investigation to discover a violation or obtain required information.⁷ Under Chapter 348's implementing rules, a licensee is responsible for ensuring that all contact information on file with the OCCC is current and correct.⁸

On June 27, 2019, after advance notice, the OCCC attempted to examine Anamoros Auto Sales' licensed location at 2304 E. Main, Grand Prairie, Texas 75050. The OCCC was not able to examine the licensed location because no one was available at the licensed location. By failing to allow the OCCC to examine its licensed location, records, and transactions, Anamoros Auto Sales violated Chapter 348 of the Texas Finance Code.

Authority

If the Consumer Credit Commissioner ("Commissioner") has reasonable cause to believe that a person is violating Chapter 348 of the Texas Finance Code, the Commissioner may issue an order to cease and desist from the violation, an order to take affirmative action, or both to enforce compliance.⁹

The Commissioner has reasonable cause to believe that Anamoros Auto Sales has violated Chapter 348 of the Texas Finance Code by failing to allow the OCCC to examine its licensed location, records, and transactions.

Order

IT IS ORDERED that:

1. Anamoros Auto Sales must cease and desist failing to allow the OCCC to examine its location, records, and transactions.

⁵ Tex. Fin. Code § 348.514(b).

⁶ Tex. Fin. Code § 348.514(f).

⁷ Tex. Fin. Code § 348.515.

⁸ 7 Tex. Admin. Code § 84.607(c).

⁹ Tex. Fin. Code § 14.208(a).

2. Anamoros Auto Sales must allow the OCCC to conduct an investigation of its location, records, and transactions.
3. **No later than September 9, 2019**, Anamoros Auto Sales must send a letter to the OCCC stating the complete address of any location where Anamoros Auto Sales may be examined and investigated. The letter must also state the complete address of any location where Anamoros Auto Sales conducts business, keeps records of transactions, or receives payments from retail buyers. The letter must be sent by e-mail to Matthew Nance at matthew.nance@occc.texas.gov.
4. **No later than September 9, 2019**, Anamoros Auto Sales must ensure that all contact information for Anamoros Auto Sales is current and correct in the OCCC's online licensing system.

Violation of Order

Anamoros Auto Sales may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.¹⁰ A violation of this Order may result in the revocation of Anamoros Auto Sales' license.¹¹

Right to Request Hearing

Anamoros Auto Sales has the right to request a hearing regarding this Order.¹² Anamoros Auto Sales' request must be made in writing and sent to the OCCC not later than 30 days after Anamoros Auto Sales receives this Order. Anamoros Auto Sales must send its request to:

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

¹⁰ Tex. Fin. Code § 14.208(c).

¹¹ Tex. Fin. Code § 348.508.

¹² Tex. Fin. Code § 14.208(b).

If Anamoros Auto Sales requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹³ If Anamoros Auto Sales fails to request a hearing by this deadline, this Order is considered final and enforceable.¹⁴

All communications with the OCCC concerning this matter must be through Matthew Nance, Deputy General Counsel, who may be contacted 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 29th day of July, 2019.

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

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on July 29, 2019, a true and correct copy of this Order to Allow Examination and Investigation has been sent to Humberto Vanegas d/b/a Anamoros Auto Sales by the following:

Humberto Vanegas
d/b/a Anamoros Auto Sales
Attn: Humberto Vanegas,
Compliance Officer
2304 E. Main Ste. B
Grand Prairie, TX 75051

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#91 7199 9991 7037 5193 4159

Humberto Vanegas
d/b/a Anamoros Auto Sales
Attn: Humberto A. Vanegas,
Registered Agent
1648 Hendrix Dr.
Irving, TX 75061

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#91 7199 9991 7037 5193 4166

/s/ Matthew Nance_____

Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 North Lamar Blvd.
Austin, Texas 78705
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