

OCCC CASE NO. L18-00051

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NUMBER: 12686	§	
TX MOTORS OF NORTH	§	OFFICE OF CONSUMER
RICHLAND HILLS INC	§	
d/b/a AN CHRYSLER DODGE JEEP	§	
RAM NORTH RICHLAND HILLS	§	CREDIT COMMISSIONER
7740 N E LOOP 820	§	
FORT WORTH, TEXAS 76180	§	STATE OF TEXAS

**ORDER TO CEASE AND DESIST,  
TO TAKE AFFIRMATIVE ACTION, AND TO MAKE RESTITUTION**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist, to Take Affirmative Action, and to Make Restitution against TX Motors of North Richland Hills Inc. d/b/a AN Chrysler Dodge Jeep Ram North Richland Hills (“TX Motors of North Richland Hills”), based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

TX Motors of North Richland Hills is a motor vehicle sales finance dealer licensed by the OCCC under Chapter 348 of the Texas Finance Code. TX Motors of North Richland Hills operates under master file number 12686 at one licensed location, under license number 34908, issued on November 30, 2007. TX Motors of North Richland Hills’ designated contact address is 7740 N E Loop 820, Fort Worth, Texas 76180, and its compliance officer is Jeffrey Neumann.

A motor vehicle retail installment contract may include an itemized charge for registration, certificate of title, and license fees paid to a public official.<sup>2</sup> If the retail installment contract includes itemized charges for these items, then the licensee must maintain a copy of records reflecting the amount paid for each item.<sup>3</sup>

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 348.005(1).

<sup>3</sup> 7 Tex. Admin. Code §§ 84.707(d)(2)(A)(iv), 84.708(e)(2)(A)(v) (requiring a licensee to maintain documents evidencing “fees for license, title, and registration of the vehicle”).

On December 13, 2016, the OCCC performed an examination of TX Motors of North Richland Hills. The examination revealed that TX Motors of North Richland Hills charged retail buyers an itemized charge for registration, certificate of title, and license in excess of the amount actually paid to public officials for these items, in violation of Chapter 348 of the Texas Finance Code. The December 2016 examination report includes an example of this violation. TX Motors of North Richland Hills charged the retail buyer a license and registration fee of \$130.50 and a certificate of title fee of \$35.50, but only remitted \$118.26 to the County Tax Assessor, resulting in an overcharge of \$47.74. Additionally, in numerous transactions TX Motors of North Richland Hills did not maintain a Title Application Receipt as proof of payment, in violation of Title 7, Chapter 84 of the Texas Administrative Code.

The OCCC instructed TX Motors of North Richland Hills to perform a self-review of all retail installment transactions from February 1, 2016 to December 13, 2016 and to make restitution of the excessive or unverifiable public official fees. On June 27, 2017 the OCCC conducted a follow-up examination and found that TX Motors of North Richland Hills has not completed the instructed self-review and restitution.

### **Authority**

If the 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.<sup>4</sup> Additionally, the Commissioner may order a person who violates Chapter 348 or a rule adopted under Chapter 348 to make restitution to an identifiable person injured by the violation.<sup>5</sup>

### **Order**

IT IS ORDERED that TX Motors of North Richland Hills Inc. d/b/a AN Chrysler Dodge Jeep Ram North Richland Hills:

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<sup>4</sup> Tex. Fin. Code § 14.208(a).

<sup>5</sup> Tex. Fin. Code § 14.251(b).

1. Cease and desist from charging retail buyers an itemized charge for title, license, or registration that exceeds the amount actually paid to public officials for these items.
2. Maintain in each retail buyer's transaction file a copy of the title application receipt or other verifiable evidence that reflects the amount actually paid to a public official for title, license, and registration.
3. No later than **August 20, 2018**, review all retail installment transactions entered from February 1, 2016 to December 13, 2016 and identify all transactions that contain a fee for title, license, and registration exceeding the actual amount paid to a public official, including transactions where the transaction file does not have verifiable evidence of the amount paid to the public official.
4. For each transaction that you identify, refund the buyer all excessive or unverifiable fees. For accounts with a remaining balance, the refund may be made by crediting the buyer's account. For accounts with no remaining balance, the refund must be made by sending the buyer a check.
5. No later than **August 27, 2018**, provide the OCCC with a spreadsheet of all transactions you identified and all buyers that you gave a refund. This list must include: the buyer's name, account number, transaction date, amount charged for registration, certificate of title, and license, amount refunded to the buyer, form of the refund (i.e. check for closed account, and credit on open account), account number the refund was applied to (if buyer has multiple accounts), check number (if refund provided by check), and the total amount of refunds provided to all buyers.
6. Keep a copy of each customer's refund check or payment history showing an account credit until the later of your next examination or the required retention period.<sup>6</sup> During your next exam, the OCCC will confirm that you made all the refunds listed in the spreadsheet.

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<sup>6</sup> See 7 Tex. Admin. Code § 84.704(b), (g).



