

OCCC CASE NO. L19-00005

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800060737	§	OFFICE OF CONSUMER
PAGHETTA, LLC	§	
d/b/a YOUR PAYDAY ONLINE	§	CREDIT COMMISSIONER
1704 LLANO STREET, SUITE B105	§	
SANTA FE, NEW MEXICO 87505	§	STATE OF TEXAS

**INJUNCTIVE ORDER TO FILE TIMELY AND ACCURATE  
QUARTERLY AND ANNUAL REPORTS**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Injunctive Order to File Timely and Accurate Quarterly and Annual Reports against Paghetta, LLC d/b/a Your Payday Online (“Your Payday”).<sup>1</sup>

**Statement of Facts and Law**

Your Payday is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. Your Payday operates under master file number 1800060737 at one licensed location, under license number 159690. Your Payday’s compliance officer is Thomas Assenzio, and its designated contact address is 1704 Llano Street, Suite B105, Santa Fe, New Mexico 87505.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> A credit access business must submit for each of its licensed locations its 2018 2nd quarter report on or before July 31, 2018.<sup>3</sup> All information provided on the quarterly and annual reports must be accurate and calculated in accordance with the OCCC’s instructions.<sup>4</sup>

Your Payday did not file its 2018 2nd quarter report with the Commissioner on or before July 31, 2018. In correspondence dated August 9, 2018, the OCCC notified Your Payday that its 2018 2nd quarter report had not

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code §§ 393.622, 393.627.

<sup>3</sup> 7 Tex. Admin. Code § 83.5001.

<sup>4</sup> 7 Tex. Admin. Code § 83.5001(a).

been received and extended the deadline to file the report to August 23, 2018. As of the date of this Order, the OCCC has not received Your Payday's 2018 2nd quarter report.

The Commissioner may issue an injunction ordering a credit access business to file one or more complete, accurate, and timely quarterly or annual reports if the Commissioner has reasonable cause to believe that the credit access business is violating Chapter 393 of the Texas Finance Code.<sup>5</sup>

The Commissioner has reasonable cause to believe that Your Payday is violating Chapter 393 of the Texas Finance Code, and therefore issues this Order, because Your Payday failed to timely file its 2018 2nd quarter report.

### **Order**

IT IS ORDERED that Paghetta, LLC d/b/a Your Payday Online:

13. comply with, and cease and desist from violating, the reporting requirements set forth in Section 393.627 of the Texas Finance Code and Title 7, Section 83.5001 of the Texas Administrative Code;
14. file its 2018 2nd quarter report within 30 days of service of this Order, if it has not already done so; and
15. timely file complete and accurate future quarterly and annual reports.

Credit access business quarterly and annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): [alecs.occ.texas.gov](http://alecs.occ.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occ.texas.gov](http://occ.texas.gov).

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<sup>5</sup> Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(1).

## **Violation of Order**

You may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.<sup>6</sup> Multiple violations may also result in the suspension or revocation of your license.<sup>7</sup>

## **Right to Request Hearing**

You have the right to request a hearing regarding this Order.<sup>8</sup> 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:

Michael Rigby  
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.<sup>9</sup> If you fail to request a hearing by this deadline, this Order is considered final and enforceable.<sup>10</sup>

All communications with the OCCC concerning this matter must be through Michael Rigby, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7623, or by email to michael.rigby@occc.texas.gov.

Signed this 17<sup>th</sup> day of September, 2018.

/s/ Leslie Pettijohn

Leslie L. Pettijohn  
Consumer Credit Commissioner  
State of Texas

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<sup>6</sup> Tex. Fin. Code § 14.208(c); 7 Tex. Admin. Code § 83.5001(e)(2).

<sup>7</sup> Tex. Fin. Code § 393.614; 7 Tex. Admin. Code § 83.5001(e)(3).

<sup>8</sup> Tex. Fin. Code § 14.208(b).

<sup>9</sup> Tex. Fin. Code § 14.208(b).

<sup>10</sup> Tex. Fin. Code § 14.208(c).

## CERTIFICATE OF SERVICE

I certify that on the 18<sup>th</sup> day of September, 2018, a true and correct copy of this Injunctive Order to File Timely and Accurate Quarterly and Annual Reports has been sent to Paghetta, LLC d/b/a Your Payday Online by regular mail and certified mail, return receipt requested, at:

CMRRR # 91 7199 9991 7038 3509 7114

Paghetta, LLC

Attn: Thomas Assenzio, Compliance Officer

1704 Llano Street, Suite B105

Santa Fe, NM 87505

CMRRR # 91 7199 9991 7038 3509 7121

Paghetta, LLC

Attn: Texan Registered Agent Inc, Registered Agent

700 Lavaca Street, Suite 1401

Austin, TX 78701

/s/ Michael Rigby\_\_\_\_\_

Michael Rigby

General Counsel

Office of Consumer Credit Commissioner

State Bar No. 50511925 2601

North Lamar Blvd.

Austin, Texas 78705

(512) 936-7623

(512) 936-7610 (fax)

michael.rigby@occc.texas.gov