

OCCC CASE NO. L19-00218

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 16355	§	OFFICE OF CONSUMER
FRANKNWOLF ENTERPRISES LLC	§	
d/b/a BENNY'S PAYDAY ADVANCE	§	CREDIT COMMISSIONER
4108 MONTANA AVE.	§	
EL PASO, TEXAS 79903	§	STATE OF TEXAS

**ORDER TO OBTAIN AND MAINTAIN
CREDIT SERVICES ORGANIZATION REGISTRATION**

The Office of Consumer Credit Commissioner ("OCCC") issues this Order to Obtain and Maintain Credit Services Organization Registration against Franknwolf Enterprises LLC d/b/a Benny's Payday Advance ("Benny's Payday Advance").¹

Statement of Facts and Law

Benny's Payday Advance holds a credit access business license issued by the OCCC under Chapter 393 of the Texas Finance Code. Benny's Payday Advance operates under master file number 16355 at one licensed location, under license number 59847. Benny's Payday Advance's compliance officer is Saul Frank, and its designated contact address is 4108 Montana Ave., El Paso, Texas 79903.

Under Chapter 393, a credit access business is a type of credit services organization.² Before conducting business in Texas, a credit services organization must register with the Texas Secretary of State.³ This means that a credit access business must hold both a credit access business license with the OCCC and a credit services organization registration with the Texas Secretary of State.⁴ Benny's Payday Advance is both a credit access business and a credit services organization.

¹ Tex. Fin. Code § 14.208.

² A credit services organization is a person who assists consumers in improving their credit or in obtaining extensions of credit by others. Tex. Fin. Code § 393.001(3). A credit access business is a credit services organization that assists consumers in obtaining payday loans or motor vehicle title loans. Tex. Fin. Code § 393.601(2).

³ Tex. Fin. Code § 393.101(a).

⁴ Tex. Fin. Code §§ 393.101(a), 393.603.

A credit services organization registration expires on the first anniversary of its date of issuance.⁵ A registered credit services organization may renew a registration by filing a renewal application, in the form prescribed by the Texas Secretary of State, and paying the renewal fee.⁶ A credit access business must maintain documentation of its registration as a credit services organization.⁷

Benny's Payday Advance holds a credit services organization registration under the name "Franknwolf LLC dba Benny's Payday Advance." Benny's Payday Advance conducted business during a period when its credit services organization registration was expired, including the period between April 12, 2018 and the present. By conducting business without a valid credit services organization registration, Benny's Payday Advance violated Chapter 393.⁸

The Consumer Credit Commissioner ("Commissioner") has enforcement authority regarding violations of Chapter 393 by a credit access business.⁹ If the Commissioner has reasonable cause to believe that a credit access business is violating Chapter 393, then the Commissioner may issue an injunction ordering the credit access business to cease and desist from the violation, to take affirmative action, or both.¹⁰

The Commissioner has reasonable cause to believe that Benny's Payday Advance has violated Chapter 393 of the Texas Finance Code by conducting business without a valid credit services organization registration. Therefore, the Commissioner issues this Order.

⁵ Tex. Fin. Code § 393.101(d).

⁶ Tex. Fin. Code § 393.101(d).

⁷ Tex. Fin. Code § 393.101(b) (requiring a credit services organization to keep a copy of the registration statement in its files); 7 Tex. Admin. Code § 83.5004(10) (requiring a licensed credit access business to maintain documentation of its registration as a credit services organization with the Texas Secretary of State, including its registration statement and registration certificate, to show compliance with Tex. Fin. Code § 393.101).

⁸ See Tex. Fin. Code § 393.101(a).

⁹ Tex. Fin. Code § 14.201.

¹⁰ Tex. Fin. Code § 14.208(a).

Order

IT IS ORDERED that Frankwolf Enterprises LLC d/b/a Benny's Payday Advance:

1. comply with, and cease and desist from violating, the credit services organization registration requirement set forth in Section 393.101 of the Texas Finance Code;
2. **no later than March 11, 2019**, obtain a valid registration as a credit services organization with the Texas Secretary of State;
3. **no later than March 11, 2019**, send proof of its current, valid credit services organization registration by email to Matthew Nance, Deputy General Counsel, at matthew.nance@occc.texas.gov; and
4. maintain a valid registration as a credit services organization while conducting business in Texas.

Violation of Order

If Benny's Payday Advance violates this Order, this may result in one or more of the following actions by the OCCC: (1) an administrative penalty of up to \$1,000 for each day of violation of this Order, (2) an order to refund all credit access business fees for any period when Benny's Payday Advance did not hold a valid credit services organization registration, or (3) the suspension or revocation of Benny's Payday Advance's credit access business license.¹¹

¹¹ Tex. Fin. Code §§ 14.208(a)-(c), 14.251(b), 393.614.

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹² 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.¹³ If you fail 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 January, 2019.

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

¹² Tex. Fin. Code § 14.208(b).

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on January 29, 2019, a true and correct copy of this Order to Obtain and Maintain Credit Services Organization Registration has been sent to Frankwolf Enterprises LLC d/b/a Benny's Payday Advance by regular mail and certified mail, return receipt requested, at:

CMRRR #91 7199 9991 7037 5163 9795
Frankwolf Enterprises LLC
Attn: Saul Frank, Compliance Officer
4108 Montana Ave.
El Paso, TX 79903

CMRRR #91 7199 9991 7037 5163 9801
Frankwolf Enterprises LLC
Attn: Saul Frank, Registered Agent
620 Camino Real
El Paso, TX 79922

/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
(512) 936-7660
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