

OCCC CASE NO. L19-00230

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 1500052373	§	OFFICE OF CONSUMER
ERVEY FRANCISCO BALDERAS	§	
D/B/A BROTHERS AUTO SALES	§	CREDIT COMMISSIONER
2482 EL INDIO HWY.	§	
EAGLE PASS, TX 78852	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Ervey Francisco Balderas d/b/a Brothers Auto Sales (“Brothers Auto Sales”) based on the violations of law described below.¹

Statement of Facts and Law

A motor vehicle sales finance license is required 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

On April 28, 2017, the OCCC granted Brothers Auto Sales a motor vehicle sales finance license under master file number 1500052373, license number 157738. Brothers Auto Sales’ Compliance Officer is Veronica Balderas. Brothers Auto Sales’ license canceled for failure to renew on August 1, 2017. On March 5, 2018, Brothers Auto Sales submitted an application for a motor vehicle sales finance license.

From August 1, 2017 to the date of this Order, Brothers Auto Sales engaged in activity requiring a license by entering 23 motor vehicle retail installment contracts. Brothers Auto Sales accepted the cash price of motor vehicles in one or more deferred installments without a motor vehicle sales finance license, in violation of Section 348.501 of the Texas Finance Code.

¹ Tex. Fin. Code §§ 14.208, 14.251.

² Tex. Fin. Code § 348.501.

³ Tex. Fin. Code § 348.001(3), (7), (8).

Order & Agreement

By signing below, Brothers Auto Sales waives all rights to any hearing or appeal, agrees to pay the administrative penalty and make the restitution as identified below, and otherwise agrees to comply with this Order and Texas law.

IT IS ORDERED that Ervey Francisco Balderas d/b/a Brothers Auto Sales:

1. No later than August 16, 2019, pay an administrative penalty of **Two Thousand Three Hundred Dollars (\$2,300.00)** to the Office of Consumer Credit Commissioner.
2. No later than August 16, 2019 identify all motor vehicle retail installment transactions that you entered without a license and refund the retail buyer any finance charges that you collected or that remain collectible.
3. No later than August 16, 2019 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 financed, amount of finance charges, and refund amount.
4. Keep a copy of each customer's refund check or payment history showing an account credit until the later of your first examination or the required retention period.⁴ During your first examination, the OCCC will confirm that all refunds listed in the spreadsheet have been made.

Signed this 30th day of July, 2019.

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

AGREED:

Ervey Francisco Balderas d/b/a Brothers Auto Sales

/s/ Ervey Francisco Balderas
Ervey Francisco Balderas, Owner
(signed electronically by permission)

⁴ See 7 Tex. Admin. Code § 84.704(b), (g).

CERTIFICATE OF SERVICE

I certify that on July 30, 2019, a true and correct copy of this Agreed Order has been sent to Ervey Francisco Balderas d/b/a Brothers Auto Sales by the following methods:

Ervey Francisco Balderas
d/b/a Brothers Auto Sales
Attn: Ervey Francisco Balderas
2482 El Indio Hwy.
Eagle Pass, TX 78852
karvero@icloud.com
mrsbalderas@hotmail.com

hand-delivery
 facsimile
 electronic mail
 regular mail
 certified mail, return receipt requested
91 7199 9991 7038 3510 6533

Ervey Francisco Balderas
d/b/a Brothers Auto Sales
Attn: Veronica Balderas,
Compliance Officer
mrsbalderas@hotmail.com

hand-delivery
 facsimile
 electronic mail
 regular mail
 certified mail, return receipt requested

Ervey Francisco Balderas
d/b/a Brothers Auto Sales
Attn: Ervey Balderas,
Registered Agent
1198 Nancy Dr.
Eagle Pass, TX 78852
mrsbalderas@hotmail.com

hand-delivery
 facsimile
 electronic mail
 regular mail
 certified mail, return receipt requested
91 7199 9991 7038 3510 6540

/s/Laurie B. Hobbs

Laurie B. Hobbs

Assistant General Counsel

Office of Consumer Credit Commissioner

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