

OCCC CASE NO. L20-00114

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1400051193	§	OFFICE OF CONSUMER
SMILEY'S LOAN DEPOT, LLC	§	
266 FM 247, SUITE C	§	CREDIT COMMISSIONER
HUNTSVILLE, TEXAS 77320	§	
	§	STATE OF TEXAS

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

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Quarterly and Annual Reports against Smiley's Loan Depot, LLC (“Smiley's Loan Depot”).¹

Statement of Facts and Law

Smiley's Loan Depot is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. Smiley's Loan Depot operates under master file number 1400051193 at one licensed location, under license number 151858. Smiley's Loan Depot's compliance officer is Siraj Ali, and its designated contact address is 266 FM 247, Suite C, Huntsville, Texas 77320.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).² A credit access business must submit for each of its licensed locations its 2019 4th quarter and annual reports on or before January 31, 2020.³ All information provided on the quarterly and annual reports must be accurate and calculated in accordance with the OCCC's instructions.⁴

Smiley's Loan Depot did not file its 2019 4th quarter report with the Commissioner on or before January 31, 2020.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code §§ 393.622, 393.627.

³ 7 Tex. Admin. Code § 83.5001.

⁴ 7 Tex. Admin. Code § 83.5001(a).

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.⁵

The Commissioner has reasonable cause to believe that Smiley's Loan Depot is violating Chapter 393 of the Texas Finance Code, and therefore issues this Order, because Smiley's Loan Depot failed to timely file its 2019 4th quarter report.

Order

IT IS ORDERED that Smiley's Loan Depot, LLC:

1. 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;
2. file its 2019 4th quarter and annual reports within 30 days of service of this Order, if it has not already done so; and
3. 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. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occ.texas.gov.

Violation of Order

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

⁵ Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(1).

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

⁷ Tex. Fin. Code § 393.614; 7 Tex. Admin. Code § 83.5001(e)(3).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁸ 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:

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705
Fax: (512) 936-7610

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.⁹ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹⁰

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7659, or by email to audrey.spalding@occc.texas.gov.

Signed this 3 day of March, 2020.

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

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on the 3 day of March, 2020, a true and correct copy of this Order to File Timely and Accurate Quarterly and Annual Reports has been sent to Smiley's Loan Depot, LLC by regular mail and certified mail, return receipt requested, at:

CMRRR #9214 8901 9403 8300 0006 1964 85

Smiley's Loan Depot, LLC

Attn: Siraj Ali, Compliance Officer

266 FM 247, Suite C

Huntsville, TX 77320

CMRRR #9214 8901 9403 8300 0006 1964 92

Smiley's Loan Depot, LLC

Attn: Siraj S. Ali, Registered Agent

14902 Mill Branch Lane

Sugar Land, TX 77498

/s/ Audrey Spalding

Audrey Spalding

Assistant General Counsel

Office of Consumer Credit Commissioner

State Bar No. 24111055

2601 North Lamar Blvd.

Austin, Texas 78705

(512) 936-7659

(512) 936-7610 (fax)

audrey.spalding@occc.texas.gov