

OCCC CASE NO. L20-00134

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 4407	§	OFFICE OF CONSUMER
MARTHA & DANNY SIDES D/B/A	§	
SIDES AUTO CENTER	§	CREDIT COMMISSIONER
8855 W. FWY, STE 207	§	
FORT WORTH, TEXAS 76116	§	STATE OF TEXAS

ORDER TO ALLOW EXAMINATION AND INVESTIGATION

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Allow Examination and Investigation against Martha & Danny Sides d/b/a Sides Auto Center (“Sides Auto Center”), based on the violations of law described below.¹

Statement of Facts and Law

Under Chapter 348 of the Texas Finance Code, a person must hold a motor vehicle sales finance license in order 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

Sides Auto Center is a motor vehicle sales finance dealer licensed by the OCCC to operate as a holder under Chapter 348 of the Texas Finance Code. Sides Auto Center operates under master file number 4407 at one licensed location, under license number 35798. Sides Auto Center’s compliance officer is Martha Sides, and its designated contact address is 8855 W. FWY, Ste. 207, Fort Worth, Texas 76116.

Under Chapter 348 of the Texas Finance Code, at times the OCCC considers necessary, the OCCC will examine each place of business of each licensee, and will investigate the licensee’s transactions and records.⁴ A licensee

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 348.501.

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

⁴ Tex. Fin. Code § 348.514(a).

must give the OCCC free access to the licensee's office and place of business.⁵ The OCCC may conduct an examination after advance notice and during normal business hours.⁶ If the OCCC has reasonable cause to believe that a person is violating Chapter 348, then the OCCC may conduct an investigation to discover a violation or obtain required information.⁷ Under Chapter 348's implementing rules, a licensee is responsible for ensuring that all contact information on file with the OCCC is current and correct.⁸

On March 13, 2020, after advance notice, the OCCC attempted to examine Sides Auto Center's licensed location at 8855 W. FWY Ste. 207, Fort Worth, Texas 76116. The OCCC was not able to examine the licensed location because no employees of Sides Auto Center were present at the location, and a different business was located at that address. Prior attempts to contact Sides Auto Center were not answered or returned. By failing to allow the OCCC to examine its licensed location, records, and transactions, Sides Auto Center violated Chapter 348 of the Texas Finance Code.

Authority

If the Consumer Credit Commissioner ("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.⁹

The Commissioner has reasonable cause to believe that Sides Auto Center has violated Chapter 348 of the Texas Finance Code by failing to allow the OCCC to examine its licensed location, records, and transactions.

⁵ Tex. Fin. Code § 348.514(b).

⁶ Tex. Fin. Code § 348.514(f).

⁷ Tex. Fin. Code § 348.515.

⁸ 7 Tex. Admin. Code § 84.607(c).

⁹ Tex. Fin. Code § 14.208(a).

Order

IT IS ORDERED that:

1. Sides Auto Center must cease and desist failing to allow the OCCC to examine its location, records, and transactions.
2. Sides Auto Center must allow the OCCC to conduct an investigation of its location, records, and transactions.
3. **No later than July 10, 2020**, Sides Auto Center must send a letter to the OCCC stating the complete address of any location where Sides Auto Center may be examined and investigated. The letter must also state the complete address of any location where Sides Auto Center conducts business, keeps records of transactions, or receives payments from retail buyers. The letter must be sent by e-mail to Audrey Spalding at audrey.spalding@occc.texas.gov.
4. **No later than July 10, 2020**, Sides Auto Center must ensure that all contact information for Sides Auto Center is current and correct in the OCCC's online licensing system.

Violation of Order

Sides Auto Center may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.¹⁰ A violation of this Order may result in the revocation of Sides Auto Center's license.¹¹

Right to Request Hearing

Sides Auto Center has the right to request a hearing regarding this Order.¹² Sides Auto Center's request must be made in writing and sent to the OCCC not later than 30 days after Sides Auto Center receives this Order. Sides Auto Center must send its request to:

¹⁰ Tex. Fin. Code § 14.208(c).

¹¹ Tex. Fin. Code § 348.508.

¹² Tex. Fin. Code § 14.208(b).

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 7870

If Sides Auto Center requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹³ If Sides Auto Center fails 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 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 28th day of May, 2020.

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

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on May 28, 2020, a true and correct copy of this Order to Allow Examination and Investigation has been sent to Martha & Danny Sides d/b/a Sides Auto Center by the following:

Martha & Danny Sides
d/b/a Sides Auto Center
Attn: Martha Sides,
Compliance Officer
8855 W FWY, Ste. 207
Fort Worth, TX 76116
DNMSIDES@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0013 1353 61

Martha & Danny Sides
d/b/a Sides Auto Center
Attn: Martha Sides,
Statutory Agent
3801 E Lancaster Ave
Fort Worth, TX 76103

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#9214 8901 9403 8300 0013 1353 78

/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 (phone)
512-936-7610 (fax)
audrey.spalding@occc.texas.gov