

OCCC CASE NO. L20-00133

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1600056596	§	OFFICE OF CONSUMER
EFREN VAZQUEZ d/b/a BORDER	§	
USED AUTO PARTS & SALES	§	CREDIT COMMISSIONER
5822 SOUTH 23RD STREET	§	
MCALLEN, TEXAS 78503	§	STATE OF TEXAS

AGREED ORDER

The Office of Consumer Credit Commissioner (“OCCC”) issues this Agreed Order against Efren Vazquez d/b/a Border Used Auto Parts & Sales (“Border Used Auto Parts”).¹

Statement of Facts and Law

Border Used Auto Parts is a motor vehicle dealer that does not currently hold a license with the OCCC. Border Used Auto Parts is located at 5822 South 23rd Street, McAllen, Texas 78503. On February 4, 2020, Border Used Auto Parts submitted an application for a motor vehicle sales finance license under application ID 59187. The OCCC has not issued a license to Border Used Auto Parts. Border Used Auto Parts' owner is Efren Vazquez.

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

Beginning February 19, 2016, Border Used Auto Parts entered into 31 motor vehicle retail installment contracts. At the time of the transactions, Border Used Auto Parts did not hold a motor vehicle sales finance license. Border Used Auto Parts accepted the cash price of a motor vehicle in one or more deferred installments without holding 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).

By acting as a holder in motor vehicle retail installment transactions without a motor vehicle sales finance license, Border Used Auto Parts has violated Chapter 348 of the Texas Finance Code.

Order & Agreement

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

IT IS ORDERED that Efren Vazquez d/b/a Border Used Auto Parts & Sales:

1. no later than **July 10, 2020**, pay the sum of **Three Thousand and One Hundred Dollars (\$3,100.00)** as an administrative penalty to the Office of Consumer Credit Commissioner;
2. for each motor vehicle retail installment transaction, make restitution to the retail buyer of any finance charges collected and waive any finance charges that remain collectible;
3. no later than **July 10, 2020**, provide the OCCC with a list of any assignees or transferees to a retail installment transaction that Vista Autos entered without a license;
4. no later than **July 10, 2020**, provide the OCCC with proof of restitution in the form of copies of checks or ledgers showing account credits, and a corresponding spreadsheet labeled "Unlicensed Activity Restitution" including the following data:
 - a. name of the retail buyer,
 - b. date of loan or retail installment contract,
 - c. amount of finance charge,
 - d. amount of finance charge refunded to the buyer,
 - e. date of refund,
 - f. method of refund (check number or account credit); and
5. maintain complete and accurate records of all items and information

required under this Order for the full record retention period.⁴

Signed this 5 day of June, 2020.

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

AGREED:

Efren Vazquez d/b/a Border Used Auto Parts & Sales

/s/Efren Vazquez
Efren Vazquez, Owner
(signed electronically with permission)

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

CERTIFICATE OF SERVICE

I certify that on June 5, 2020, a true and correct copy of this Agreed Order has been sent to Efren Vazquez d/b/a Border Used Auto Parts & Sales by the following methods:

Efren Vazquez d/b/a
Border Used Auto Parts & Sales
Attn: Efren Vazquez,
Compliance Officer
5822 S 23rd Street
McAllen, TX 78503
Arelyvaz80@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested# 9214 8901 9403 8300 0013 8079 78

Efren Vazquez d/b/a
Border Used Auto Parts & Sales
Attn: Arely Vazquez,
Statutory Agent
4116 Zinnia Ave.
McAllen, TX 78504
Arelyvaz80@yahoo.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested # 9214 8901 9403 8300 0013 8079 85

/s/ Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
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