

OCCC CASE NO. L20-00116

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NUMBER: 1600056300	§	OFFICE OF CONSUMER
NORTH TEXAS EMPIRE CAPITAL	§	
AND LOAN LLC d/b/a	§	CREDIT COMMISSIONER
EMPIRE CAPITAL AND LOAN	§	
1711 HWY. 1417, STE. 300	§	STATE OF TEXAS
SHERMAN, TEXAS 75092		

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against North Texas Empire Capital and Loan LLC d/b/a Empire Capital and Loan (“Empire Capital and Loan”).¹

Statement of Facts and Law

Empire Capital and Loan is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. Empire Capital and Loan operates under master file number 1600056300 at one licensed location, under license number 156303. Empire Capital and Loan’s compliance officer is Adamson Underwood, and its designated contact address is 1711 Hwy. 1417, Ste. 300, Sherman, Texas 75092.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).² A credit access business must submit its quarterly and annual reports on or before the following dates:

- 1st quarter report – April 30;
- 2nd quarter report – July 31;
- 3rd quarter report – October 31; and
- 4th quarter and annual report – January 31.³

If a credit access business fails to timely file its quarterly or annual reports within four quarters of failing to timely file a previous report, the OCCC may

¹ Tex. Fin. Code § 14.208(c).

² Tex. Fin. Code § 393.627.

³ 7 Tex. Admin. Code § 83.5001.

impose an administrative penalty of \$500.00 for each licensed location.⁴ If a credit access business fails to file its quarterly report three or more times within four quarters of the second offense, the OCCC may impose an administrative penalty of \$1,000.00 for each licensed location.⁵ Upon a fourth offense within four quarters of three or more offenses, the OCCC may seek the revocation of a business's license.⁶

On December 11, 2019, the OCCC issued an Order to File Timely and Accurate Quarterly and Annual Reports against Empire Capital and Loan for failing to file its 2019 third quarter report.

Empire Capital and Loan did not file its 2019 annual reports with the Commissioner on or before January 31, 2020. Additionally, Empire Capital and Loan did not timely file one or more of its reports within the four quarters preceding the 2019 4th quarter and annual reports.

Order

IT IS ORDERED that North Texas Empire Capital and Loan LLC d/b/a Empire Capital and Loan:

1. pay an administrative penalty in the amount of **\$500.00**, calculated as \$500.00 for Empire Capital and Loan's one licensed location, within 30 days of service of this Order; and
2. file its 2019 4th quarter and annual reports within 30 days of service of this Order, if it has not already done so.

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. A check made payable to 'Office of Consumer Credit Commissioner' may be mailed to 2601 N. Lamar Blvd., Austin, Texas 78705, for payment of the \$500.00.

⁴ 7 Tex. Admin. Code § 83.5001(e)(2)(B).

⁵ 7 Tex. Admin. Code § 83.5001(e)(2)(C).

⁶ 7 Tex. Admin. Code § 83.5001(e)(3).

Response and Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ 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.⁸ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.⁹

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ 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 Imposing Administrative Penalty has been sent to North Texas Empire Capital And Loan LLC d/b/a Empire Capital And Loan by regular mail and certified mail, return receipt requested, at:

CMRRR #9214 8901 9403 8300 0006 1965 22
North Texas Empire Capital And Loan LLC
Attn: Adamson Underwood, Compliance Officer
1711 Hwy. 1417, Ste. 300
Sherman, TX 75092

CMRRR #9214 8901 9403 8300 0006 1965 39
North Texas Empire Capital And Loan LLC
Attn: Incorp Services, Registered Agent
815 Brazos St., Ste. 500
Austin, TX 78701

/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
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