

OCCC CASE NO. L20-00151

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NUMBER: 1400051015	§	OFFICE OF CONSUMER
FIRST TEXAS ABILITY INC.	§	
d/b/a THE LOAN DEPOT	§	CREDIT COMMISSIONER
13095 HWY 105 W, SUITE	§	
CONROE, TEXAS 77304	§	STATE OF TEXAS

**ORDER IMPOSING ADMINISTRATIVE PENALTY**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Assessing Administrative Penalty for Violation of Injunctive Order against First Texas Ability Inc. d/b/a The Loan Depot (“The Loan Depot”).<sup>1</sup>

**Statement of Facts and Law**

The Loan Depot is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. The Loan Depot operates under master file number 1400051015 at one licensed location, under license number 151668 and 151671. The Loan Depot’s compliance officer is Ash Karm, and its designated contact address is 13095 Hwy.105 W, Suite, Conroe, Texas 77304.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> 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.<sup>3</sup>

For the 2020 1<sup>st</sup> quarter reports, the OCCC allowed 30 additional days (until May 31, 2020) for credit access businesses to file reports.

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<sup>1</sup> Tex. Fin. Code § 14.208(c).

<sup>2</sup> Tex. Fin. Code § 393.627.

<sup>3</sup> 7 Tex. Admin. Code § 83.5001.

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 assess an administrative penalty of \$500.00 for each licensed location.<sup>4</sup> 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 assess an administrative penalty of \$1,000.00 for each licensed location.<sup>5</sup> Upon a fourth offense within four quarters of three or more offenses, the OCCC may seek the revocation of a business' license.<sup>6</sup>

On June 6, 2019, the OCCC issued an Order to File Timely and Accurate Annual Reports against The Loan Depot for failing to file its 2019 1st quarter report.

The Loan Depot did not file its 2020 1st quarter reports with the Commissioner on or before May 31, 2020. Additionally, The Loan Depot did not timely file one or more of its reports within the four quarters preceding the 2020 1st quarter reports.

## **Order**

IT IS ORDERED that First Texas Ability Inc. d/b/a The Loan Depot:

1. pay an administrative penalty in the amount of **\$1000.00**, calculated as \$500.00 each for The Loan Depot's two licensed locations, within 30 days of service of this Order; and
2. file its 2020 1<sup>st</sup> quarter report 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](http://alecs.occ.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occ.texas.gov](http://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.

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<sup>4</sup> 7 Tex. Admin. Code § 83.5001(e)(2)(B).

<sup>5</sup> 7 Tex. Admin. Code § 83.5001(e)(2)(C).

<sup>6</sup> 7 Tex. Admin. Code § 83.5001(e)(3).

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>7</sup> 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

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.<sup>8</sup> If you fail to request a hearing by this deadline, this Order is considered final and enforceable.<sup>9</sup>

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](mailto:audrey.spalding@occc.texas.gov).

Signed this 11 day of September, 2020.

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

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<sup>7</sup> Tex. Fin. Code § 14.208(b).

<sup>8</sup> Tex. Fin. Code § 14.208(b).

<sup>9</sup> Tex. Fin. Code § 14.208(c).

**CERTIFICATE OF SERVICE**

I certify that on the 11 day of September, 2020, a true and correct copy of this Order Imposing Administrative Penalty has been sent to First Texas Ability Inc. d/b/a The Loan Depot by regular mail and certified mail, return receipt requested, at:

CMRRR #9214 8901 9403 8300 0014 7666 49

First Texas Ability Inc.

Attn: Ash Karm, Compliance Officer

13095 Hwy 105 W., Suite

Conroe, TX 77304

CMRRR #9214 8901 9403 8300 0014 7666 56

First Texas Ability Inc.

Attn: Ashley Karm, Registered Agent

7206 Diamond Falls Ln.

Spring, TX 77389

/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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