

OCCC CASE NO. L20-00172

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|--------------------------------|---|---------------------|
| IN THE MATTER OF: | § | BEFORE THE |
| | § | |
| MASTER FILE NUMBER: 1700058125 | § | OFFICE OF CONSUMER |
| EFS LENDING LLC | § | |
| d/b/a EFS FINANCE | § | CREDIT COMMISSIONER |
| 3302 AVENUE H, SUITE 112 | § | |
| ROSENBERG, TEXAS 77471 | § | 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 EFS Lending LLC d/b/a EFS Finance (“EFS Finance”).¹⁰

Statement of Facts and Law

EFS Finance is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. EFS Finance operates under master file number 1700058125 at one licensed location, under license number 157990. EFS Finance’s compliance officer is Carlota Ceasar, and its designated contact address is 3302 Avenue H, Suite 112, Rosenberg, Texas 77471.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).¹¹ 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 31.¹²

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

¹⁰ Tex. Fin. Code § 14.208(c).

¹¹ Tex. Fin. Code § 393.627.

¹² 7 Tex. Admin. Code § 83.5001.

assess an administrative penalty of \$500.00 for each licensed location.¹³ 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.¹⁴ Upon a fourth offense within four quarters of three or more offenses, the OCCC may seek the revocation of a business' license.¹⁵

On March 3, 2020, the OCCC issued an Order to File Timely and Accurate Annual Reports against EFS Finance for failing to file its 2019 4th quarter and annual report report.

EFS Finance did not file its 2020 2nd quarter reports with the Commissioner on or before July 31, 2020. Additionally, EFS Finance 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 EFS Lending LLC d/b/a EFS Finance:

1. pay an administrative penalty in the amount of **\$500.00**, calculated as \$500.00 for EFS Finance's one licensed location, within 30 days of service of this Order; and
2. file its 2020 2nd 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. 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.

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

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

¹⁵ 7 Tex. Admin. Code § 83.5001(e)(3).

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹⁶ 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.¹⁷ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹⁸

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 11 day of September, 2020.

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

¹⁶ Tex. Fin. Code § 14.208(b).

¹⁷ Tex. Fin. Code § 14.208(b).

¹⁸ 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 EFS Lending LLC d/b/a EFS Finance by regular mail and certified mail, return receipt requested, at:

CMRRR #9214 8901 9403 8300 0019 0025 44
EFS Lending LLC
Attn: Carlota Ceasar, Compliance Officer
3302 Avenue H Suite 112
Rosenberg, TX 77471

CMRRR #9214 8901 9403 8300 0019 0025 51
EFS Lending LLC
Attn: The Cleaning Agents, Registered Agent
9950 Westpark Drive Suite 280
Houston, TX 77063

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