

OCCC CASE NO. L21-00104

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.:1900065009	§	OFFICE OF CONSUMER
391 FINANCIAL INC. d/b/a	§	
AMERICA'S CASH ADVANCE	§	CREDIT COMMISSIONER
312 MARKET STREET	§	
FULTON, MISSOURI 65251	§	STATE OF TEXAS

**ORDER TO FILE TIMELY AND ACCURATE  
QUARTERLY AND ANNUAL REPORTS**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Quarterly and Annual Reports against 391 Financial Inc. d/b/a America's Cash Advance (“America's Cash Advance”).<sup>1</sup>

**Statement of Facts and Law**

America's Cash Advance is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. America's Cash Advance operates under master file number 1900065009 at one licensed location, under license number 163134. America's Cash Advance’s compliance officer is Clay Bethune, and its designated contact address is 312 Market Street, Fulton, Missouri 65251.

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 for each of its licensed locations its 2020 3rd quarter reports on or before October 31, 2020.<sup>3</sup> All information provided on the quarterly and annual reports must be accurate and calculated in accordance with the OCCC’s instructions.<sup>4</sup>

America's Cash Advance did not file its 2020 3rd quarter reports with the Commissioner on or before October 31, 2020.

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code §§ 393.622, 393.627; 7 Tex. Admin. Code § 83.5001(a).

<sup>3</sup> 7 Tex. Admin. Code § 83.5001 (b)(1).

<sup>4</sup> 7 Tex. Admin. Code § 83.5001(a).

The Commissioner may issue an injunction ordering a credit access business to file one or more complete, accurate, and timely quarterly or annual reports if the Commissioner has reasonable cause to believe that the credit access business is violating Chapter 393 of the Texas Finance Code.<sup>5</sup>

The Commissioner has reasonable cause to believe that America's Cash Advance is violating Chapter 393 of the Texas Finance Code, and therefore issues this Order, because America's Cash Advance failed to timely file its 2020 3rd quarter reports.

## **Order**

IT IS ORDERED that 391 Financial Inc. d/b/a America's Cash Advance:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 393.627 of the Texas Finance Code and Title 7, Section 83.5001 of the Texas Administrative Code;
2. file its 2020 3rd quarter report within 30 days of service of this Order, if it has not already done so; and
3. timely file complete and accurate future quarterly and annual reports.

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).

## **Violation of Order**

You may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.<sup>6</sup> Multiple violations may also result in the suspension or revocation of your license.<sup>7</sup>

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<sup>5</sup> Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(1).

<sup>6</sup> Tex. Fin. Code § 14.208(c); 7 Tex. Admin. Code § 83.5001(e)(2).

<sup>7</sup> Tex. Fin. Code § 393.614; 7 Tex. Admin. Code § 83.5001(e)(4).

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>8</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>9</sup> If you fail to request a hearing by this deadline, this Order is considered final and enforceable.<sup>10</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 24 day of November, 2020.

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

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

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

<sup>10</sup> Tex. Fin. Code § 14.208(c).

## CERTIFICATE OF SERVICE

I certify that on November 24, 2020, a true and correct copy of this Order Imposing Administrative Penalty has been sent to 391 Financial Inc. d/b/a America's Cash Advance by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0025 5157 55  
391 Financial Inc.  
Attn: Clay Bethune, Compliance Officer  
312 Market Street  
Fulton, MO 65251

CMRRR # 9214 8901 9403 8300 0025 5157 62  
391 Financial Inc.  
Attn: Incorp Services Inc., 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  
(512) 936-7610 (fax)  
audrey.spalding@occc.texas.gov