

OCCC CASE NO. L21-00027

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2792	§	OFFICE OF CONSUMER
ARK-LA-TEX FINANCIAL SERVICES	§	
LLC d/b/a BENCHMARK MORTGAGE	§	CREDIT COMMISSIONER
5160 TENNYSON PKWY., STE. 2000W	§	
PLANO, TEXAS 75024	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against ARK-LA-TEX Financial Services LLC d/b/a Benchmark Mortgage (“Benchmark Mortgage”).¹

Statement of Facts and Law

Benchmark Mortgage is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Benchmark Mortgage operates under master file number 2792 at one licensed location, under license number 46903. Benchmark Mortgage’s compliance officer is Joseph Mirabella, and its designated contact address is 5160 Tennyson Pkwy., Ste. 2000w, Plano, Texas 75024.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A regulated lender must comply with all instructions from the OCCC relating to submitting the report.³ The report is due by May 1 of each year for the prior calendar year’s loan activity.⁴ For 2019 annual reports, the OCCC allowed 31 additional days (until June 1, 2020) for regulated lenders to file reports.

¹ Tex. Fin. Code § 14.208(a), (c).

² Tex. Fin. Code § 342.559.

³ 7 Tex. Admin. Code § 83.835.

⁴ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

On May 19, 2017, the OCCC issued an Injunctive Order to File Timely and Accurate Annual Reports against Benchmark Mortgage for failing to timely file its 2016 annual report. Benchmark Mortgage did not request a hearing on the Order, and the Order became final and enforceable. The Order required Benchmark Mortgage to timely file complete and accurate future reports.

Benchmark Mortgage did not file its 2019 annual report with the Commissioner on or before June 1, 2020.

The Commissioner may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is violating Chapter 342 of the Texas Finance Code.⁵ The Commissioner may impose an administrative penalty on a regulated lender that violates an injunction.⁶

By failing to timely file its 2019 annual report, Benchmark Mortgage has violated Chapter 342 of the Texas Finance Code and the OCCC's Injunctive Order to File Timely and Accurate Annual Reports.

Order

IT IS ORDERED that ARK-LA-TEX Financial Services LLC d/b/a Benchmark Mortgage:

1. pay an administrative penalty in the amount of **\$500.00**, calculated as \$500.00 each for Benchmark Mortgage's one licensed location, within 30 days of service of this Order; and
2. file its 2019 annual report within 30 days of service of this Order, if it has not already done so.

Regulated lender 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.

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order. To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after service of this Order. You must send your request to Matthew Nance, Deputy General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to matthew.nance@occc.texas.gov.

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. If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.

All communications with the OCCC concerning this matter must be through Matthew Nance, Deputy General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at 512-936-7660, or by email at matthew.nance@occc.texas.gov.

Signed this 12th day of October, 2020.

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

CERTIFICATE OF SERVICE

I certify that on October 12, 2020, a true and correct copy of this Order Imposing Administrative Penalty has been sent to ARK-LA-TEX Financial Services LLC d/b/a Benchmark Mortgage by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0020 8058 51
ARK-LA-TEX Financial Services LLC
Attn: Joseph Mirabella, Compliance Officer
5160 Tennyson Pkwy., Ste. 2000w
Plano, TX 75024

CMRRR # 9214 8901 9403 8300 0020 8058 68
ARK-LA-TEX Financial Services LLC
Attn: CSC, Registered Agent
211 E. 7th St., Ste. 620
Austin, TX 78701

/s/ Matthew Nance
Matthew J. Nance
Deputy General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 North Lamar Blvd.
Austin, Texas 78705
512-936-7660 (phone)
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