

OCCC CASE NO. L21-00038

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1400031711	§	OFFICE OF CONSUMER
VICTORY AUTOSMART	§	
ACCEPTANCE CORPORATION	§	CREDIT COMMISSIONER
501 E. MAGRUDER DR.	§	
VICTORIA, TEXAS 77904	§	STATE OF TEXAS

**ORDER IMPOSING ADMINISTRATIVE PENALTY**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Victory Autosmart Acceptance Corporation (“Victory Autosmart”).<sup>1</sup>

**Statement of Facts and Law**

Victory Autosmart is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Victory Autosmart operates under master file number 1400031711 at one licensed location, under license number 150184. Victory Autosmart’s compliance officer is Caylin Parks, and its designated contact address is 501 E. Magruder Dr., Victoria, Texas 77904.

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

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

<sup>2</sup> Tex. Fin. Code § 342.559.

<sup>3</sup> 7 Tex. Admin. Code § 83.835.

<sup>4</sup> Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

On August 21, 2019, the OCCC issued an Order to File Timely and Accurate Annual Reports against Victory Autosmart for failing to timely file its 2018 annual report. Victory Autosmart did not request a hearing on the Order, and the Order became final and enforceable. The Order required Victory Autosmart to timely file complete and accurate future reports.

Victory Autosmart 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.<sup>5</sup> The Commissioner may impose an administrative penalty on a regulated lender that violates an injunction.<sup>6</sup>

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

## **Order**

IT IS ORDERED that Victory Autosmart Acceptance Corporation:

1. pay an administrative penalty in the amount of **\$500.00**, calculated as \$500.00 each for Victory Autosmart'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](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).

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<sup>5</sup> Tex. Fin. Code § 14.208.

<sup>6</sup> 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](mailto: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](mailto: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 Victory Autosmart Acceptance Corporation by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0020 8060 63  
Victory Autosmart Acceptance Corporation  
Attn: Caylin Parks, Compliance Officer  
501 E. Magruder Dr.  
Victoria, TX 77904

CMRRR # 9214 8901 9403 8300 0020 8060 70  
Victory Autosmart Acceptance Corporation  
Attn: Keith Orr, Registered Agent  
4545 N. Stateline  
Texarkana, TX 75503

/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)  
512-936-7610 (fax)  
matthew.nance@occc.texas.gov