

OCCC CASE NO. L21-00170

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.:16483	§	OFFICE OF CONSUMER
TEXCAP FINANCIAL, LLC	§	
14875 LANDMARK BLVD., STE.	§	CREDIT COMMISSIONER
215	§	
DALLAS, TEXAS 75254	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against TexCap Financial, LLC (“TexCap Financial”).¹

Statement of Facts and Law

TexCap Financial is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. TexCap Financial operates under master file number 16483 at one licensed location, under license number 62446. TexCap Financial’s compliance officer is Jason Ybarra, and its designated contact address is 14875 Landmark Blvd., Ste. 215, Dallas, Texas, 75254.

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

On May 19, 2017, the OCCC issued an Injunctive Order to File Timely and Accurate Annual Reports against TexCap Financial for failing to timely file its 2016 annual report. The Order became final and enforceable. The Order required TexCap Financial to timely file complete and accurate future reports.

TexCap Financial did not file its 2020 annual report with the Commissioner on or before May 1, 2021.

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.

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 2020 annual report, TexCap Financial 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 TexCap Financial, LLC:

1. pay an administrative penalty in the amount of **\$500.00**, calculated as \$500.00 each for TexCap Financial's one licensed location, within 30 days of service of this Order; and
2. file its 2020 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.⁷ To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after service of this Order.⁸ You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to audrey.spalding@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.⁹ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹⁰

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 13th day of September, 2021.

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on September 13, 2021, a true and correct copy of this Order Imposing Administrative Penalty has been sent to TexCap Financial, LLC by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0046 8623 26

TexCap Financial, LLC

Attn: Jason Ybarra, Compliance Officer

14875 Landmark Blvd., Ste. 215

Dallas, TX 75254

CMRRR # 9214 8901 9403 8300 0046 8623 33

TexCap Financial, LLC

Attn: Jason Ybarra, Registered Agent

14875 Landmark., Ste. 215

Dallas, TX 75254

/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 (phone)

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