

FILED

AUG 08 2017

STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA**

STATE OF OKLAHOMA *ex rel.*)
DEPARTMENT OF CONSUMER CREDIT,))
)
Petitioner))
))
v.) Case No. 16-0298-DIS)
))
TIO CHUY'S AUTO SALES, LLC,))
))
Respondent))

CONSENT ORDER

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and the Respondent, Tio Chuy's Auto Sales, LLC, ("Respondent") voluntarily enter into this Consent Order as an informal disposition of this individual proceeding to avoid litigation. Respondent agrees to waive its right to a hearing under the Oklahoma Administrative Procedures Act and both parties agree as follows:

- (1) Petitioner restates and incorporates by reference the allegations made by Petitioner in the Notice of Hearing filed in this matter.
 - a. Respondent is a domestic limited liability company under the State of Oklahoma, Oklahoma Secretary of State filing number 3512421007, active filing status.
 - b. Respondent transacts business at 3726 S. Memorial Drive, Tulsa, OK 74145.
 - c. On December 6, 2016 Michael Thompson and Jimmie Ray, consumer credit examiners, arrived at Respondent's location and spoke with Sierra Pratt, store manager. Ms. Pratt explained she does offer financing to consumers, and the dealership carries the financing contracts. Ms. Pratt advised they finance all contracts using Tio Chuy's Auto Finance. Upon Request, Ms. Pratt showed an executed retail installment contract where Tio Chuy's Auto Sales was shown as the lender. The examiners took photos of the contract.

They thanked her and exited the building, and took an exterior photo of building as they left the location.

- d. A search of the company's website shows the consumers can complete a credit application online.
- e. On June 9, 2017, Petitioner issued a subpoena duces tecum to Sierra Pratt of Tio Chuy's Auto Sales, LLC at the address of 3726 S. Memorial Dr., Tulsa, OK 74145. Respondent was requested to submit documents no later than July 7, 2017. Ten (10) Retail Installment Sale Contracts were received on July 5, 2017.
- f. The copy of the Retail Installment Sale Contract for C. Perez lists the purchase of a 2012 Ford Escape. The Seller is listed as Tio Chuy's Auto Sales, LLC, with the business address listed. The terms of the contract are 95 biweekly payments in the amount of \$219.00 with the first payment scheduled on December 24, 2016. Total sales price of the vehicle is \$21,272.59. An annual percentage rate of 14.94% is listed on the sale contract.
- g. Respondent is not a supervised financial organization or a person holding a license to make supervised loans issued under 14A O.S. § 3-501 *et seq.*
- h. As of March 15, 2017, Respondent is licensed in the State of Oklahoma pursuant to the provisions of 14A O.S. §§ 6-201 through 6-203 of the UCCC. The notification filing license application was received on March 13, 2017.
- i. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2016.

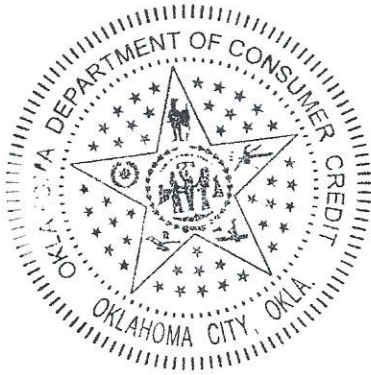
(2) Respondent does not admit to the allegations made by the Petitioner in the Notice of Hearing filed in this matter, and incorporated by reference in this Consent Order.

(3) Respondent agrees to pay a \$400.00 civil penalty, payable to the Oklahoma Department of Consumer Credit, on or before August 18, 2017.

(4) The payment shall be made payable by check or money order to the Oklahoma Department of Consumer Credit, shall indicate the payment is for Case Number 16-0298-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

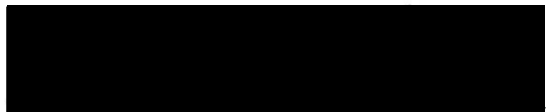
(5) A file stamped copy of this Consent Order will be returned to Respondent upon signature of the Administrator of the Department of Consumer Credit or the Deputy Administrator of the Department Consumer Credit.

(6) If Respondent fails to comply with the terms of this Consent Order, the Administrator of the Department of Consumer Credit is authorized to file an application to enforce this Consent Order in the District Court of Oklahoma County, Oklahoma in accordance with the provisions of 14 O.S. § 6-113(4).



Scott Leshar
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 8/8/17



Tio Chuy's Auto Sales, LLC

Dated: 8/11/17

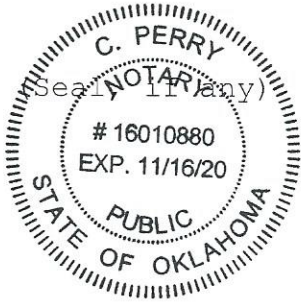
VERIFICATION OF CONSENT ORDER, CASE NUMBER 16-0298-DIS

STATE OF OKLAHOMA)
)
COUNTY OF)

Signed and sworn to (or affirmed) before me on 8-1-2017,
2017, by Richard Barnard of Tio Chuy's Auto Sales, LLC.

[Redacted Signature]

Tio Chuy's Auto Sales, LLC



[Redacted Signature]

Notary Public

My commission expires:

11-16-20