

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA



STATE OF OKLAHOMA ex rel,)
DEPARTMENT OF CONSUMER CREDIT,))
)
 Petitioner)
)
v.)
)
SOONER CAR SALES, INC.)
)
 Respondent)

Case No. 16-0243-DIS

CONSENT ORDER

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

(1) The Petitioner restates and incorporates by reference the allegations made by the Petitioner in the Notice of Hearing filed in this matter.

- i. The Respondent is registered as a domestic for profit corporation in the State of Oklahoma, Oklahoma Secretary of State filing number 1912212729, active filing status.
- ii. The Respondent transacts business at 10312 E. 51st St., Tulsa, OK 74146.
- iii. On November 15, 2016, Alicia Gregg, a consumer credit examiner, entered the business premises of the Respondent and spoke to Mike who informed the examiner that Jack Smith would be back in the office around 10:00 a.m. that morning. The examiner returned to the location around 10:30 a.m. that morning and did speak with Jack Smith.
- iv. The examiner spoke to Mr. Smith about licensure with the Department. The examiner inquired of

Mr. Smith whether the location offered in-house financing, specifically, whether the location engaged in buy-here, pay-here financing. Mr. Smith stated that he did offer buy-here, pay-here financing. Mr. Smith also mentioned that he uses a variety of financing companies such as Security and Auto Dealers.

- v. The examiner asked Mr. Smith to see the last ten (10) contracts so she could review the files. Mr. Smith told the examiner that he keeps the contracts at home for safety reasons and didn't have enough room at the shop. Mr. Smith indicated that he did have one (1) contract at the office because they were waiting on the lien form to be received. He gave permission to the examiner to review the file. The examiner advised Mr. Smith after her review of the file that he does need a notification permit issued by the Department. In addition, she gave him information regarding the Department's website where he could print off the Notification filing application and review the rules.
- vi. The copy of the Retail Installment Contract and Security Agreement for J. Hunt lists the purchase of a 2008 Chevrolet TrailBlazer. The Seller is listed as Sooner Car Sales, Inc. with the business address listed. The terms of the contract are thirty (30) monthly payments in the amount of \$279.75 with the first payment scheduled on December 14, 2016. Total sales price of the vehicle is \$8,392.50. An interest rate of 19.99% is listed on the purchase agreement.
- vii. As of December 7, 2016, the Respondent is not licensed in the State of Oklahoma pursuant to the provisions of 14A O.S. §§ 6-201 through 6-203 of the UCCC. 14A O.S. § 6-203(2). The Respondent previously held a Notification license (NOT83698) for the years of 2007 - 2010, which expired on January 31, 2011.
- viii. The Respondent did not file notification pursuant to the provisions of Section 6-201 of the UCCC,

on or before January 31, 2016.

- ix. Respondent has failed to pay the notification filing fee of \$120.00 for each business location pursuant to OKLA. ADMIN. CODE § 160:5-1-2(2)(A).

(2) The 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) The Respondent agrees to submit a notification filing application and pay all applicable registration/application fees to the Department, on or before January 17, 2017.

In addition, the Respondent agrees to pay a \$1,000.00 civil penalty, payable to the Oklahoma Department of Consumer Credit, in the following terms:

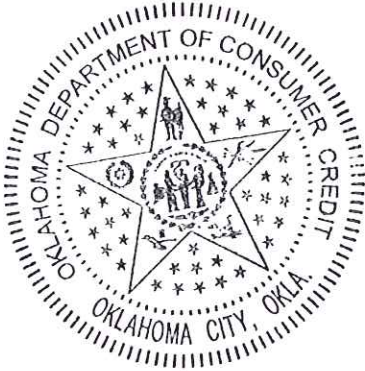
- (a) The Respondent has agreed to make ten (10) monthly installment payments in the amount of \$100.00 no later than the 15th of the month until paid in full. First installment payment is due on or before January 17, 2017.
- (b) If the Respondent misses a monthly payment, the Respondent's license will be suspended and the remaining balance will be due in full.

(4) The payments shall be made payable by check or money order to the Oklahoma Department of Consumer Credit, shall indicate the payment is for Case Number 16-0243-DIS and shall be addressed to the attention of Roy John Martin, General Counsel, 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 the Respondent upon signature of the Administrator of the Department of Consumer Credit or the Deputy Administrator of the Department Consumer Credit.

(6) If the 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).



A handwritten signature in black ink, appearing to read "Scott Leshner".

Scott Leshner
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 1/18/17

A handwritten signature in black ink, appearing to read "Jack C. Smith".

Jack C. Smith
Sooner Car Sales, Inc.

Dated: 1-11-2017

VERIFICATION OF CONSENT ORDER, CASE NUMBER 16-0243-DIS

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

Signed and sworn to (or affirmed) before me on January 11,
2017, by Jack C. Smith of Sooner Car Sales, Inc.

Jack C. Smith

Jack C. Smith
Sooner Car Sales, Inc.

(Seal, if any)

Jack Smith

Notary Public

My commission expires:

1-17-19

