

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

FILED
JUN 29 2017
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

STATE OF OKLAHOMA *ex rel.*)
DEPARTMENT OF CONSUMER CREDIT,))
)
Petitioner)
)
v.)
)
JOHN C. DAVIS,)
D/B/A TWISTER AUTO SALES,)
)
Respondent)

Case No. 16-0291-DIS

CONSENT ORDER

The Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and the Respondent, John C. Davis, d/b/a Twister Auto Sales, ("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.
 - a. Respondent is a domestic trade name entity under the State of Oklahoma, Oklahoma Secretary of State filing number 3612348460, active filing status.
 - b. Respondent transacts business at 2404 NW Fort Sill Blvd., Lawton, OK 73507.
 - c. On December 13, 2016, Chris Williams, a consumer credit examiner, entered Respondent's business premises and spoke to Bob Thompson, Manager.
 - d. The examiner asked Mr. Thompson what kind of financing options they offered. Mr. Thompson advised that they send people to a variety of banks and finance companies to obtain financing, but they do not finance through their own office. The examiner asked Mr. Thompson if they coordinate with any of the banks.

Mr. Thompson stated they do not, they refer the customer to a list of places that lend, and at that point it is up to the consumer to return with approved financing. Mr. Thompson added that he had no installment contracts for that reason. The examiner asked if Respondent ever did any buy here pay here financing. Mr. Thompson advised that on occasion, they would do a buy here pay here sale. The examiner asked Mr. Thompson how often they performed a buy here pay here transaction. Mr. Thompson stated they do anywhere from 5-10 per year.

- e. The examiner asked to see copies of Respondent's latest installment contracts for buy here pay here purchases. Mr. Thompson agreed to provide the examiner with a copy of one. The examiner thanked Mr. Thompson for his time and exited the premises. The examiner did a web search for Respondent's website. Respondent does not have a website. The examiner did a review of the provided contract and noted that Respondent is performing credit sales and undertaking direct collection of payments.
- f. The copy of the Retail Installment Sale Contract for G. Lusty lists the purchase of a 2002 Nissan Quest. The Seller is listed as Twister Auto Sales with the business address listed. The terms of the contract are 15 monthly payments in the amount of \$220.00 with the first payment due on August 27, 2016. Total sales price of the vehicle is \$3,900.00. The interest rate is listed as 0%.
- g. As of June 1, 2017 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). Respondent previously held a Notification license (NOT82663) in 2001; said license expired on February 1, 2009.
- h. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2016.
- i. 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).

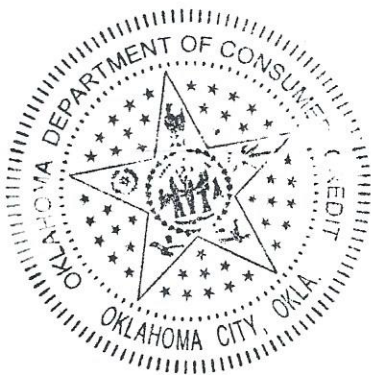
(2) The Respondent does not admit to the allegations made by the Petitioner in the Notice of Hearing filed in this matter, and incorporated by reference in this Consent Order.

(3) The Respondent will submit a notification filing application and pay all applicable registration/application fees to the Department on or before July 7, 2017. In addition, the Respondent agrees to pay a \$1,000.00 civil penalty, payable to the Oklahoma Department of Consumer Credit, on or before July 7, 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 16-0291-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 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).



[Redacted Signature]
Scott Lesher
Administrator
State of Oklahoma
Department of Consumer Credit

Dated:

06/27/2017

[Redacted Signature]
John C. Davis
d/b/a Twister Auto Sales

Dated:

06/27/2017

VERIFICATION OF CONSENT ORDER, CASE NUMBER 16-0291-DIS

STATE OF Oklahoma)
)
COUNTY OF Comanche)

Signed and sworn to (or affirmed) before me on June 27, 2017, by _____ of John C. Davis, d/b/a Twister Auto Sales.

John C. Davis,
d/b/a Twister Auto Sales

(Seal, if any)

Notary Public



My commission expires:
8-21-18