

FILED

FEB 26 2018

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.)
)
FENTON MOTORS OF OKLAHOMA)
CITY, INC., D/B/A FENTON)
NISSAN WEST)
)
Respondent)

Case No. 17-0328-DIS

CONSENT ORDER

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and Respondent, Fenton Motors of Oklahoma City, Inc. d/b/a Fenton Nissan West, ("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 for profit business corporation under the State of Oklahoma, Oklahoma Secretary of State filing number 1912046143, active filing status.
- b. Respondent transacts business at 8800 NW Expressway, Oklahoma City, OK 73162.
- c. On June 22, 2017, Jimmie Ray and Michael Thompson, consumer credit investigators, entered Respondent's business premises and spoke to Charley Morgan, Finance Director.
- d. The investigators asked Mr. Morgan about consumer auto financing options offered by Respondent. Mr. Morgan

advised the business does offer indirect financing and cash purchase options to purchase automobiles. NMAC, Capital One, Chase Auto and several local Credit Unions are a few of the lending sources used for consumer financing. The consumers sign the purchase documents at the location. The investigators viewed the retail installment contracts and made a photo copy of one. The scanned contracts listed finance terms and financing details of the purchase.

- e. On October 19, 2017, Petitioner issued a subpoena duces tecum to Charley Morgan of Fenton Nissan West at the address of 8800 NW Expressway, Oklahoma City, OK 73162. Respondent was requested to submit documents no later than November 20, 2017. Ten (10) Retail Installment Sale Contracts were received on November 10, 2017.
- f. The copy of the Retail Installment Contract for V. Seymour lists the purchase of a 2013 Nissan Altima. The Seller is listed as Fenton Nissan West-NMAC with the business address listed. The terms of the contract are 75 monthly payments in the amount of \$164.66 with the first payment due on November 13, 2016. Total sales price of the vehicle is \$21,349.50. The interest rate is listed as 3.09%.
- 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 January 22, 2018, 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).
- i. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2017.
- j. 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) Respondent does not admit to the allegations made by Petitioner in the Notice of Hearing filed in this matter, and

incorporated by reference in this Consent Order.

(3) Respondent will submit a notification filing application and pay all applicable registration/application fees to the Department on or before March 1, 2018. In addition, Respondent agrees to pay a \$900.00 civil penalty payable to the Oklahoma Department of Consumer Credit, on or before March 1, 2018.

(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 17-0328-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 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 area]

*RUBEN TORWINI
DEPUTY ADMINISTRATOR
FOR*

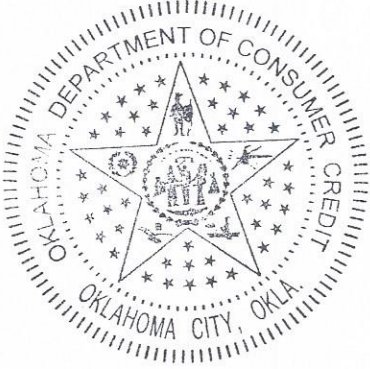
Scott Leshar
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 2-26-18

[Redacted signature area]

Fenton Motors of Oklahoma City,
Inc., d/b/a Fenton Nissan West

Dated: 2-26-18



VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0328-DIS

STATE OF TEXAS)
)
COUNTY OF Collin)

Signed and sworn to (or affirmed) before me on February 26,
2018, by Brad Fenton of Fenton Motors of Oklahoma
City, Inc., d/b/a Fenton Nissan West.



Fenton Motors of Oklahoma City, Inc.,
d/b/a Fenton Nissan West



(Seal, if any)

Notary Public

My commission expires:

2-17-19

