

ORDER NO. 2022-013

IN THE MATTER OF:	§	BEFORE THE BANKING
	§	
ENRIQUE GARCIA dba LA CASITA	§	
MONEY EXCHANGE	§	COMMISSIONER OF TEXAS
	§	
BROWNSVILLE, TEXAS	§	AUSTIN, TRAVIS COUNTY, TEXAS

ORDER TO CEASE AND DESIST ACTIVITY AND TO REVOKE LICENSE

On this day, the matter of Enrique Garcia dba La Casita Money Exchange, Brownsville, Texas, was submitted to me, Charles G. Cooper, Banking Commissioner of the State of Texas (Commissioner), for consideration and action.

Findings of Fact

1. Enrique Garcia dba La Casita Money Exchange (Respondent) is an individual residing in Brownsville, Texas. Respondent is licensed with Texas Department of Banking (Department) to engage in currency exchange.
2. Respondent holds Currency Exchange License No. 134 issued by the Department.
3. Respondent received his license to engage in currency exchange from the Department on January 22, 1996.
4. Respondent is a sole proprietorship of Enrique Garcia.
5. The Department confirmed a December 6, 2021 examination date with Respondent via a telephone call between the Department and Respondent. During this phone call Respondent committed to submitting documents via mail by November 29, 2021.
6. The Department sent an initial examination request list and entry letter, on October 5, 2021, with a response deadline of November 29, 2021. Respondent stated he would submit

records via mail instead of electronically due to Respondent's technical limitations. Respondent failed to submit any documents by November 29, 2021.

7. After the Respondent's failure to meet the November 29, 2021 deadline, the Department contacted Respondent who indicated that the documents would be sent by the upcoming examination start date of December 6, 2021. Respondent failed to provide the requested documents by December 6, 2021.
8. The Department delayed the start of the examination from December 6, 2021 to December 27, 2021 in order for Respondent to have additional time to submit required documents. Respondent failed to provide the requested documents by December 27, 2021.
9. On December 29, 2021 Respondent submitted an examination package via mail. The Department noted that a majority of the records needed to conduct the examination were missing. The Department followed up with phone calls requesting missing information which Respondent indicated he would provide.
10. On January 11, 2022, the Department sent a letter to Respondent informing Respondent that all documents were due by January 17, 2022 and that failure to provide all missing documents would result in an unsatisfactory rating. The Department reviewed an inventory of all records submitted by January 17, 2022 and found that the Respondent had only submitted limited documentation.
11. On February 16, 2022, the Department contacted Respondent regarding outstanding documentation and communicated that the delay in providing required records was unacceptable. Respondent committed to providing the following outstanding documents by February 22, 2022: current copy of certificate of deposit pledged to the Department; the most recent renewal Financial Crimes Enforcement Network (FinCEN) Form 107;

transaction database; quarterly reports for second quarter of 2020 to second quarter of 2021; and the Management Representation Letter. Respondent failed to provide these additional documents by February 22, 2022.

12. The Department's examination of Respondent concluded February 25, 2022.
13. On March 1, 2022, after the Department's examination had concluded on February 25, 2022, Respondent provided: transaction database; most recent copy of the certificate of deposit pledged to the Department; and an acknowledgment form from FinCEN for the most recent MSB renewal (not the FinCEN Form 107). Quarterly reports for the second quarter of 2020 to the second quarter of 2021, the Management Representation Letter, and the most recent FinCEN Form 107 were not included.
14. On March 17, 2022, the Department issued the September 30, 2021 Report of Examination (ROE) regarding the Respondent's currency exchange license.
15. The ROE reflected an unsatisfactory rating attributable to Respondent's failure to adequately respond to numerous requests made by the Department as well as failure to demonstrate Respondent possesses the ability to properly oversee its currency exchange activities as outlined in the *Texas Finance Code* §151.202.
16. Respondent is in violation of *Texas Finance Code* §151.603(c)(1) due to Respondent's failure to provide quarterly interim financial statement and transaction reports that reflect Respondent's financial condition and currency exchange business as of the last day of the calendar quarter to which the statement and report relate and that are prepared no later than the 45th day after the last day of the calendar quarter. Respondent only provided the quarterly reports for the first quarter of 2020 and the third quarter of 2021.

17. Respondent is further in violation of *Texas Finance Code* §151.603(c)(1) due to Respondent's untimely provision of quarterly reports for the first quarter of 2020 and the third quarter of 2021.
18. Respondent is in violation of *Texas Finance Code* §151.603(c)(2) due to Respondent's failure to provide all records necessary for the Department's examination including but not limited to: the Management Representation Letter, the most recent FinCEN Form 107 and succession plan.
19. Respondent is further in violation of *Texas Finance Code* §151.603(c)(2) due to Respondent's untimely provision of transaction database, current copy of certificate of deposit pledged to Department.
20. The ROE required the Respondent to provide a detailed corrective action plan detailing adequate oversight of Respondent's operations and a succession plan by April 21, 2022. To date Respondent has failed to provide the Department a detailed corrective action plan or succession plan.
21. The ROE required Respondent to correct all violations of the *Texas Finance Code* listed therein by April 21, 2022 and to send a letter to the Department outlining Respondent's corrections to cited violations along with supporting documentation. Respondent has failed to correct all violations listed in the ROE.
22. The ROE included notice that if violations, mentioned therein, were not corrected by April 21, 2022 the Department may pursue legal remedies including cease and desist orders.

Conclusions of Law

1. The Commissioner is authorized by *Texas Finance Code* §151.705 to issue a Cease and Desist order to a license holder if the Commissioner finds that an action, violation, or

condition listed in *Texas Finance Code* §151.703 exists with respect to a license holder and a cease and desist order is necessary to protect the public.

2. The Commissioner may revoke a license as permitted by *Texas Finance Code* §151.703(b)(1) if the Commissioner has reason to believe the license holder has violated Chapter 151.
3. The Commissioner may further revoke a license as permitted by *Texas Finance Code* §151.703(b)(5) if the Commissioner has reason to believe the competence, experience, character, or general fitness of the license holder indicates that is not in the public interest to permit the license holder to provide money services.
4. The Commissioner finds by credible evidence that Respondent has violated Chapter 151 and failed to correct violations—after multiple deadline extensions—by failing to timely provide financial statements, reports and other documentation in accordance with *Texas Finance Code* §151.703(b)(1) described above.
5. The Commissioner finds by credible evidence that Respondent’s deficient general fitness of being able to cooperate with a Department examination demonstrates that it is not in the public interest, as described above, to permit the license holder to provide money services in accordance with *Texas Finance Code* §151.703(b)(5).
6. The Commissioner finds this violation constitutes sufficient cause under *Texas Finance Code* §151.705 for an Order for Respondent to Cease and Desist from conducting currency exchange in Texas.
7. The Commissioner finds this violation constitutes sufficient cause under *Texas Finance Code* §151.703 for an Order to revoke Respondent’s currency exchange license.

Order

In accordance with *Texas Finance Code* §§151.705 and 151.709, Respondent is ORDERED to cease and desist from engaging in currency exchange business in Texas. Furthermore in accordance with *Texas Finance Code* §§151.703 and 151.709 it is ORDERED that Respondent's Currency Exchange License No. 134 is REVOKED.

No Waiver

The Department does not waive its right to seek any other legal remedies or recourse, including but not limited to administrative penalties, regarding the above described violations by Respondent and/or any additional violations by Respondent not now known to the Department that come to the attention of the Department.

Effective Date

Pursuant to *Texas Finance Code* §§151.705 and 151.709, this Order to Cease and Desist Activity takes effect twenty-one (21) days after the date it is mailed. Pursuant to *Texas Finance Code* §§151.703 and 151.709, this Order to Revoke License takes effect twenty-one (21) days after the date it is mailed.

Notice of Right to Hearing

Under *Texas Finance Code* §151.709, Respondent has the right to request a hearing on this Order. If Respondent wishes to file such a request, it must be made in writing and must be submitted to the Commissioner no later than the twentieth (20) day after the date this Order is mailed to Respondent.

Signed on this 13th day of June, 2022.

/s/ Charles G. Cooper
Charles G. Cooper
Banking Commissioner of the State of Texas

CERTIFICATE OF SERVICE

I, hereby certify, pursuant to *Texas Finance Code* §151.709(b)(3), this *Order to Cease and Desist Activity and Order to Revoke License* was served on Respondent by first class mail and certified mail, return receipt requested, sent on June 14, 2022 to:

Enrique Garcia
Enrique Garcia d/b/a La Casita Money Exchange
1315-B International Boulevard
Brownsville, Texas 78520

/s/ Stephen C. Speck
Stephen C. Speck, Assistant General Counsel
Texas Department of Banking
2601 N. Lamar Blvd.
Austin, Texas 78705

Attorney for the Banking Commissioner of Texas