

OCCC CASE NO. L23-00065

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2100070029	§	OFFICE OF CONSUMER
CAZENOVIA CREEK INVESTMENT	§	
MGMT, LLC	§	CREDIT COMMISSIONER
14800 LANDMARK BLVD., SUITE 400	§	
DALLAS, TEXAS 75254	§	STATE OF TEXAS

**ORDER TO FILE TIMELY AND ACCURATE ANNUAL REPORTS**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Annual Reports against Cazenovia Creek Investment Mgmt, LLC (“Cazenovia Creek”).<sup>1</sup>

**Statement of Facts and Law**

Cazenovia Creek is a property tax lender licensed by the OCCC under Chapter 351 of the Texas Finance Code. Cazenovia Creek operates under master file number 2100070029 at one licensed location, under license number 167053. Cazenovia Creek’s compliance officer is Ken Frisbie, and its designated contact address is 14800 Landmark Blvd., Suite 400, Dallas, Texas 75254.

A property tax lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> A property tax lender must comply with all instructions from the OCCC relating to submitting the report.<sup>3</sup> The report is due by March 31 of each year for the prior calendar year’s loan activity.<sup>4</sup>

Cazenovia Creek did not file its 2022 annual report by March 31, 2023, for one licensed location, under license number 167053.

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 351.164; 7 Tex. Admin. Code § 89.404.

<sup>3</sup> 7 Tex. Admin. Code § 89.404.

<sup>4</sup> 7 Tex. Admin. Code § 89.404; <https://occc.texas.gov/industry/property-tax-lenders/property-tax-lenders-annual-reports>

The Commissioner may issue an injunction ordering a property tax lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the property tax lender is violating Chapter 351 of the Texas Finance Code.<sup>5</sup>

The Commissioner has reasonable cause to believe that Cazenovia Creek is violating Chapter 351 of the Texas Finance Code, and therefore issues this Order, because Cazenovia Creek failed to timely file its 2022 annual report.

## **Order**

IT IS ORDERED that Cazenovia Creek Investment Mgmt, LLC:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 351.164 of the Texas Finance Code and Title 7, Section 89.404 of the Texas Administrative Code;
2. file its 2022 annual report within 30 days of the date of this Order, if it has not already done so; and
3. timely file complete and accurate future annual reports.

Property tax lender annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): [alecs.occc.texas.gov](http://alecs.occc.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occc.texas.gov](http://occc.texas.gov).

## **Violation of Order**

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.<sup>6</sup> Multiple violations may also result in the suspension or revocation of your license.<sup>7</sup>

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<sup>5</sup> Tex. Fin. Code § 14.208.

<sup>6</sup> Tex. Fin. Code § 14.208(c).

<sup>7</sup> Tex. Fin. Code § 351.156.

## Right to Request Hearing

You have the right to request a hearing regarding this Order. To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after the date of this Order.<sup>8</sup> You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@occc.texas.gov).

If you request a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>9</sup> If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.<sup>10</sup>

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at 512-936-7659, or by email at [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@occc.texas.gov).

Signed this 12th day of June, 2023.

/s/ Leslie Pettijohn  
Leslie L. Pettijohn  
Consumer Credit Commissioner  
State of Texas

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<sup>8</sup> Tex. Fin. Code § 14.208(b).

<sup>9</sup> Tex. Fin. Code § 14.208(b).

<sup>10</sup> Tex. Fin. Code § 14.208(c).

**CERTIFICATE OF SERVICE**

I certify that on June 12, 2023, a true and correct copy of this Order to File Timely and Accurate Annual Reports has been sent to Cazenovia Creek Investment Mgmt, LLC by regular mail and certified mail, return receipt requested, at:

CMRRR# 9214 8901 9403 8300 0018 2677 39  
Cazenovia Creek Investment Mgmt, LLC  
Attn: Ken Frisbie, Compliance Officer  
14800 Landmark Blvd., Suite 400  
Dallas, TX 75254

CMRRR# 9214 8901 9403 8300 0018 2677 46  
Cazenovia Creek Investment Mgmt, LLC  
Attn: Corporation Service Company, Registered Agent  
211 E. 7th St., Sui 620  
Austin, TX 78701

/s/Audrey Spalding \_\_\_\_\_  
Audrey Spalding  
Assistant General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 24111055  
2601 North Lamar Blvd.  
Austin, Texas 78705  
(512) 936-7659 (phone)  
audrey.spalding@occc.texas.gov