

OCCC CASE NO. L23-00099

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1900064830	§	OFFICE OF CONSUMER
THE CAPITAL GOOD FUND	§	
333 SMITH STREET	§	CREDIT COMMISSIONER
PROVIDENCE, RHODE ISLAND	§	
02908	§	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 The Capital Good Fund (“The Capital Good Fund”).¹

Statement of Facts and Law

The Capital Good Fund is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. The Capital Good Fund operates under master file number 1900064830 at one licensed location, under license number 164135. The Capital Good Fund’s compliance officer is Andrew Posner, and its designated contact address is 333 Smith Street, Providence, Rhode Island, 02908.

A regulated lender must file annual reports with the OCCC.² A regulated lender must comply with all instructions from the OCCC relating to submitting the report.³ The report is due by May 1 of each year for the prior calendar year’s loan activity.⁴

The Capital Good Fund did not file its 2022 annual report with the OCCC by the deadline of May 1, 2023.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559.

³ 7 Tex. Admin. Code § 83.835.

⁴ Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835; https://occc.texas.gov/industry/regulated-lenders/annual_reports

The Consumer Credit Commissioner (“Commissioner”) may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is violating Chapter 342 of the Texas Finance Code.⁵

The Commissioner has reasonable cause to believe that The Capital Good Fund is violating Chapter 342 of the Texas Finance Code, and therefore issues this Order, because The Capital Good Fund failed to timely file its 2022 annual report.

Order

IT IS ORDERED that The Capital Good Fund:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 342.559 of the Texas Finance Code and Title 7, Section 83.835 of the Texas Administrative Code;
2. file its 2022 annual report within 30 days after the date of this Order, if it has not already done so; and
3. timely file complete and accurate future annual reports.

Regulated lender annual reports must be submitted through the OCCC’s Application Licensing Examination and Compliance System (ALECS): alecs.occ.texas.gov. Instructions are available by clicking the “File Annual Report” button on the OCCC’s home page, occ.texas.gov.

Violation of Order

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

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

⁷ Tex. Fin. Code § 342.156.

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁸ 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.⁹ You must send your request to Matthew Nance, General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to matthew.nance@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.¹⁰ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹¹

All communications with the OCCC concerning this matter must be through Matthew Nance, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at 512-936-7660, or by email at matthew.nance@occc.texas.gov.

Signed this 17th day of August, 2023.

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

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on August 17, 2023, a true and correct copy of this Order to File Timely and Accurate Annual Reports has been sent to The Capital Good Fund by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0023 2832 05
The Capital Good Fund
Attn: Andrew Posner, Compliance Officer
333 Smith Street
Providence, RI 02908

CMRRR # 9214 8901 9403 8300 0023 2832 12
The Capital Good Fund
Attn: CT Corporation System, Registered Agent
1999 Bryan Street, Suite 900
Dallas, TX 75201

/s/ Matthew Nance
Matthew J. Nance
General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24074794
2601 North Lamar Blvd.
Austin, Texas 78705
512-936-7660 (phone)
matthew.nance@occc.texas.gov