

OCCC CASE NO. L19-00344

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1400031658	§	OFFICE OF CONSUMER
CIRRIX CAPITAL II, LLC	§	
C/O CIRRIX CAPITAL, L.P., 20	§	CREDIT COMMISSIONER
BURLINGTON MALL ROAD, SUITE 420	§	
BURLINGTON, MASSACHUSETTS 01803	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Cirrix Capital II, LLC (“Cirrix”).¹

Statement of Facts and Law

Cirrix is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Cirrix operates under master file number 1400031658 at one licensed location, under license number 150118. Cirrix’s compliance officer is Andrew St. Pierre, and its designated contact address is C/O Cirrix Capital, L.P., 20 Burlington Mall Road, Suite 420, Burlington, Massachusetts 01803.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A regulated lender must file the required annual report by May 1 for the prior year’s calendar loan activity on forms prescribed by the Commissioner and must comply with all instructions relating to submitting the report.³

On May 19, 2017, the OCCC issued an Injunctive Order to File Timely and Accurate Annual Reports against Cirrix for failing to timely file its 2016 annual report. Cirrix did not request a hearing on the Order. The Order required Cirrix to timely file complete and accurate future annual reports.

Cirrix did not file its 2018 annual report with the Commissioner on or before May 1, 2019.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 342.559.

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

Order

IT IS ORDERED that Cirrix Capital II, LLC:

1. pay an administrative penalty in the amount of \$500.00 (calculated as \$500.00 each for Cirrix's one licensed location), within 30 days of service of this Order; and
2. file its 2018 annual report within 30 days of service of this Order, if it has not already done so.

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.

Response and Right to Request Hearing

You have the right to request a hearing regarding this Order.⁴ Your request must be made in writing and sent to the OCCC not later than 30 days after you receive this Order. You must send your request to:

Matthew Nance
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

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.⁵ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.⁶

⁴ Tex. Fin. Code § 14.208(b).

⁵ Tex. Fin. Code § 14.208(b).

⁶ Tex. Fin. Code § 14.208(c).

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

Signed this 21st day of August, 2019.

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

CERTIFICATE OF SERVICE

I certify that on August 21, 2019, a true and correct copy of this Order Imposing Administrative Penalty has been sent to Cirrix Capital II, LLC by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 4753 6299

Cirrix Capital II, LLC

Attn: Andrew St. Pierre, Compliance Officer

C/O Cirrix Capital, L.P.

20 Burlington Mall Road, Suite 420

Burlington, MA 01803

CMRRR# 91 7199 9991 7037 4753 6305

Cirrix Capital II, LLC

Attn: Corporation Service Company, Registered Agent

211 E. 7th St., Suite 620

Austin, TX 78701

/s/Matthew Nance

Matthew J. Nance

Deputy General Counsel

Office of Consumer Credit Commissioner

State Bar No. 24074794

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