

OCCC CASE NO. L21-00142

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1800062195	§	OFFICE OF CONSUMER
TOWER CAPITAL MANAGEMENT,	§	
LLC	§	CREDIT COMMISSIONER
10 NORTH PARK PLACE, SUITE 300	§	
MORRISTOWN, NEW JERSEY 07960	§	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 Tower Capital Management, LLC (“Tower Capital”).¹¹

Statement of Facts and Law

Tower Capital is a property tax lender licensed by the OCCC under Chapter 351 of the Texas Finance Code. Tower Capital operates under master file number 1800062195 at one licensed location, under license number 161176. Tower Capital’s compliance officer is Kurt Shadle, and its designated contact address is 10 North Park Place, Suite 300, Morristown, New Jersey 07960.

A property tax lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).¹² A property tax lender must comply with all instructions from the OCCC relating to submitting the report.¹³ The report is due by March 31 of each year for the prior calendar year’s loan activity.¹⁴

Tower Capital did not file its 2020 annual report with the Commissioner for one licensed location, under license number 161176 by March 31, 2021.

¹¹ Tex. Fin. Code § 14.208.

¹² Tex. Fin. Code § 351.164.

¹³ 7 Tex. Admin. Code § 89.404.

¹⁴ 7 Tex. Admin. Code § 89.404.

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.¹⁵

The Commissioner has reasonable cause to believe that Tower Capital is violating Chapter 351 of the Texas Finance Code, and therefore issues this Order, because Tower Capital failed to timely file its 2020 annual report.

Order

IT IS ORDERED that Tower Capital Management, LLC:

1. comply with, and cease and desist from violating, the reporting requirements set forth in 351.164 of the Texas Finance Code and Title 7, Section 89.404 of the Texas Administrative Code;
2. file its 2020 annual report within 30 days of service 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 either by mail to 2601 N. Lamar Blvd., Austin, Texas 78705 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 for each day.¹⁶ Multiple violations may also result in the suspension or revocation of your license.¹⁷

¹⁵ Tex. Fin. Code § 14.208.

¹⁶ Tex. Fin. Code § 14.208(c).

¹⁷ Tex. Fin. Code § 351.156.

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹⁸ 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:

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705
Fax: (512) 936-7610
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.¹⁹ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.²⁰

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 to audrey.spalding@occc.texas.gov.

Signed this 25th day of June, 2021.

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

¹⁸ Tex. Fin. Code § 14.208(b).

¹⁹ Tex. Fin. Code § 14.208(b).

²⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on the June 25, 2021, a true and correct copy of this Order to File Timely and Accurate Annual Reports has been sent to Tower Capital Management, LLC by regular mail and certified mail, return receipt requested, at:

CMRRR# 9214 8901 9403 8300 0039 8028 27

Tower Capital Management, LLC
Attn: Kurt Shadle, Compliance Officer
10 North Park Place, Suite 300
Morristown, NJ 07960
kshadle@tcmfund.com

CMRRR# 9214 8901 9403 8300 0039 8028 34

Tower Capital Management, LLC
Attn: Howard Marc Spector, Registered Agent
12770 Coit Road, Suite 1100
Dallas, TX 75251

/s/ Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
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